

**Annual Report 2003****Contents**

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## Mission Statement

To maintain and enhance community security and equality through the development of a range of policies and high quality services which underpin:

- the protection and assertion of human rights and fundamental freedoms consistent with the common good;
- the security of the State;
- an effective and balanced approach to tackling crime; and
- progress towards the elimination of discrimination and the promotion of equal opportunities and the accommodation of diversity.

## Values

We are guided by a set of core values in seeking to deliver on our mission. These values are founded on an analysis of the environment in which we operate, the expectations of Government and the community, and the resources at our disposal. These values are the guiding principles informing our work. We aim to:

- ensure access to justice;
- apply fair and equal standards of treatment to all groups in society;
- demonstrate accountability for our actions;
- show courtesy, integrity and openness in our dealings;
- provide excellent services to the public; and
- value the individual.



Michael McDowell, T.D.  
*Minister for Justice,  
Equality and Law Reform*

### Foreword by Minister Michael McDowell, T.D.

I am very pleased to have the opportunity of presenting this report on the activities and achievements of my Department during 2003. The Annual Report sets out the progress achieved on the Department's 2003-2005 Strategy Statement goals and objectives and includes other important developments in 2003.

There was a downward trend in the level of crime during the year with an overall decrease of 3% compared with 2002. There were reductions in the level of sexual assault, assault causing harm, and in the level of murder and manslaughter. In February 2003, I appointed an expert Group on Crime Statistics having received Government agreement to do so. The Group will examine, among other things, the collation of information relating to crimes reported to and recorded by the Garda Síochána, the needs of stakeholders, including researchers, structures, resources and changes to the Garda Commissioner's Annual Report.

In addition to developing measures to tackle drug-related activity in conjunction with the Garda Síochána, my Department continued to actively participate in the multi-agency structures which have been set up to implement the National Drugs Strategy. Ten Regional Drugs Task Forces were established in 2003 based on the Health Board areas and my Department continued to



Brian Lenihan, T.D.  
*Minister of State*



Willie O'Dea, T.D.  
*Minister of State*

provide mainstream funding for a range of Justice-related projects which originated via Local Drugs Task Force initiatives. The Garda Síochána seized drugs with a street value of approximately €100 million in 2003.

My Department continued in 2003 to develop and implement policy in relation to combating organised crime at national and international level. The operational successes of the Criminal Assets Bureau, in particular, and other Garda Support Units are evidence of the progress being made in this area.

Minister Willie O'Dea, T.D., Minister of State at the Department continued to act as Chairperson of the National Steering Committee on Violence Against Women. The Committee met regularly during 2003 and continued to respond to the various issues involving violence perpetrated against women. One of the aims of the National Steering Committee is to raise public awareness of the issue of violence against women. In December, 2003, the Committee undertook an awareness campaign which aimed to highlight the role which society should play in reporting incidents of violence against women to the Gardaí.

The personnel strength of the Garda Síochána continued to grow in 2003 and at year end was 12,017 which represents an increase of 9.6% since the 31 December, 1997. The level of recruitment undertaken in 2003 will ensure that my commitment to increasing the strength of the Force to 12,200, its current authorised maximum strength, will be achieved in 2004.

Legislative measures to give effect to the recommendations contained in the Report on

Performance and Accountability for the Garda Síochána are contained in the General Scheme of the Garda Síochána Bill which was published on 30 July, 2003. The Bill contains the most comprehensive and important proposals on policing since the foundation of the State.

The principal Garda road safety campaign, Operation Lifesaver, continued in 2003, focusing in particular on drink driving, speeding and seat belt offences. The penalty points system, which was introduced on a manual basis for speeding offences from 31 October, 2002, was extended to include driving without insurance from 1 June, 2003 and seatbelt offences from 25 August, 2003.

During 2003 the Government appointed a new Garda Commissioner, a Deputy Commissioner and two Assistant Commissioners. The Government also approved the appointment of six Chief Superintendents and 17 Superintendent to fill vacancies which arose in these ranks as a result of retirements.

Negotiations continued throughout the year with the Prison Officers' Association on the implementation of new working arrangements which are aimed at eradicating the unacceptable levels of prison staff overtime and delivering a more efficient and cost effective Prison Service. In December 2003, agreement was reached with the Prison Officers' Association to employ the services of the Labour Relations Commission in a further effort to reach agreement on the matter. The Office of the Inspector of Prisons and Places of Detention at 1 Lower Grand Canal Street, Dublin 2 was officially opened by me on 8 September, 2003.

There was a significant reduction in the number of asylum applications received in 2003 as compared to 2002 and processing of applications continued to move strongly in the asylum processing agencies. Significant amendments to the Refugee Act 1996 were contained in the Immigration Act 2003 which came into operation on 15 September, 2003. The aim of these amendments was, inter alia, to streamline the asylum process and to ensure that applicants for asylum pursue their applications.

A substantially increased volume of applications for visas were processed by the Department in 2003 with over 47,000 applications being dealt with, an increase of 25% on 2002 figures.

Following the Supreme Court judgement of 23 January, 2003, in the case of L & O, I announced on 19 February that there was no longer a separate process for considering claims from non-national parents for leave to remain in the State on the basis of the birth of a child in Ireland. In July, 2003, the Government's policy for the handling of claims for leave to remain in the State from parents of Irish Born children was announced and a dedicated helpline to deal with queries from non-national parents of Irish born children seeking leave to remain in the State was introduced.

At the end of 2003, the Reception and Integration Agency (RIA) had the capacity to accommodate over 7,000 asylum seekers in centres across 24 counties. During 2003, the RIA also organised and participated in four regional conferences which focused on the theme "Support for Asylum Seekers – Moving Forward Together". The objective of these conferences is to identify ways of forming closer links between the Agency and support groups, between the support groups themselves, and between support groups and the relevant key players at local level.

During 2003 my Department, continued to participate in the Institutions established under the Good Friday Agreement, including liaising closely with the Independent International Commission on Decommissioning (IICD). An Inter-Governmental Agreement to establish the Independent Monitoring Commission was signed by me on behalf of the Government of Ireland on 25 November 2003. The Commission's role is to report on paramilitary activity, security normalisation and participation in the political institutions of the state.

Work also continued on progressing the implementation of recommendations of the report of the Victims' Commission "A Place and a Name", which conducted a review of the services and arrangements in place in this jurisdiction to meet the needs of those who have

suffered as a result of violent action associated with the conflict in Northern Ireland. In October, 2003, I appointed a Commission to administer a Scheme of Acknowledgement, Remembrance and Assistance for Victims of the Northern Ireland Conflict in this Jurisdiction. The Commission will be responsible for the administration of a Remembrance Fund, in accordance with the above Scheme.

My Department also continued to assist the Independent Commission of Inquiry into the Dublin, Monaghan and Dundalk bombings which presented its report on the Dublin and Monaghan bombings of 1974 to the Taoiseach in late 2003. The Report was referred for consideration to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights.

During 2003, my Department continued to be active on a number of fronts providing a focal point for disability equality policy and legislation development in the context of mainstreamed public service provision for people with disabilities. The Department supported and provided funding of approx. €4.5m to the National Disability Authority (NDA) in 2003 and also continued to support 'People with Disabilities in Ireland', which is a non-profit making independent body providing a representative structure for people with disabilities, their families, carers and advocates. The National Disability Authority was designated as the National Co-ordinating Body for the European Year of People with Disabilities 2003. The Department also provided funding in 2003 to support a number of other initiatives, including a series of advertising campaigns, a new Sensory Garden in the Botanic Gardens and an accessible website for People with Disabilities in Ireland. The Department held the seventh national Information Day on Disability on 3 December, 2003.

In relation to Equality issues, the Department continued to provide support and to liaise closely with the Equality Authority and the Office of the Director of Equality Investigations (the Equality Tribunal) in relation to the performance of their statutory functions during 2003. The Department also liaised closely with these organisations

in regard to new legislative proposals to amend the Employment Equality Act, 1998 and the Equal Status Act 2000, to give effect to a number of EU equality Directives.

The National Anti-Racism Awareness Programme (Know Racism) continued into its third and final year of operation in 2003, concentrating on local awareness through its fourth phase grant scheme, advertising, marketing and partnership activities focusing on key dates such as 21 March, the International Day Against Racism and the Anti-Racist workplace week in November.

During 2003, the Department continued to provide financial support towards a Traveller Mediation Service operated by Pavee Point. This service is an initiative of Pavee Point Travellers Centre and it provides a mechanism for responding constructively to the various conflicts and disputes which arise between Travellers and members of the settled community.

In the area of Childcare, the Department continued to develop the supply of quality childcare places in Ireland through the implementation of the Equal Opportunities Childcare Programme 2000-2006. Expenditure under the Programme during 2003 amounted to €66.9m.

A number of important pieces of legislation, initiated by my Department, were enacted in 2003. These included the Data Protection (Amendment) Act, 2003, The Criminal Justice (Public Order) Act, 2003 and the Intoxicating Liquor Act 2003. Bills before the Oireachtas included the Proceeds of Crime (Amendment) Bill, 1999, the Criminal Justice (Terrorist Offences) Bill 2002 and the Commissions of Investigation Bill 2003. Bills under preparation during 2003 included inter alia, the Drug Offenders Bill, the Fines Bill and the Immigration and Residence Bill.

Finally, I would like to take this opportunity to thank all the staff of my Department for their continued dedication and commitment to the achievement of the objectives of the Government and the Department.

Michael McDowell, T.D.,

Minister for Justice, Equality and Law Reform



# part one

Introduction





## Introduction

This year's annual report of the Department of Justice, Equality and Law Reform sets out progress on implementation of Strategy Statement 2003 - 2005 objectives in accordance with section 4 of the Public Service Management Act (PSMA), 1997 and also reports on other developments in the Department during the year.

Each of the main areas of the Department's work is reported on in a separate chapter under its related High Level Goal heading. Each chapter begins with a report on progress on relevant Strategy Statement objectives and then covers other developments relating to the area during the year.

It will be clear from a reading of the report that significant progress was made by the Department on implementation of Strategy Statement objectives in 2003. The objectives progressed cover a broad range of issues such as progressing a comprehensive and measured policy for responding to crime, pursuing the programme of change for the Garda Síochána, developing immigration policy and implementing the Government's asylum strategy, enhancing the existing statutory foundation for equality, equal status and disability and providing funding and developing the supports to deliver on childcare commitments. Chapter 6, which deals with Criminal and Civil Law Reform matters, details amongst other things the legislation enacted and Bills published and progressed during 2003. The Department's ever-increasing responsibilities and workload in relation to EU and international matters in 2003 is covered in chapter 8 under a number of headings.

Progress on the Department's modernisation agenda under Sustaining Progress, Social Partnership Agreement 2003 – 2005 is covered by chapter 14. This chapter sets out the progress achieved during 2003 in areas such as, strategic planning and performance management, training and development, financial management, customer service, equality of opportunities and IT and e-Government. It is also worth mentioning that this progress was independently verified by the Civil Service Performance Verification Group established under

Sustaining Progress. While good progress has been achieved by the Department to date on its modernisation agenda there is more to be done over the coming years.

Finally, some details on the structure and staffing of the Department are set out below and an organisation chart and overview of the functions of the various divisions of the Department are included as appendices at the end of this report.

## Department's Mandate

The Department's Mission Statement, Values and High Level Goals reflect a Department with a mandate which crosses many significant and varied areas of public sector policy and administration.

The Department's main areas of responsibility include:-

- Implementing Government policy on crime and protecting the security of the State.
- Providing policy advice in relation to the criminal justice system and supporting the operation of this system.
- Continuing reform of the criminal law and updating areas of the civil law.
- Playing a central part in the implementation of core elements in the Good Friday Agreement.
- Co-operating in the EU and international fields and promoting Ireland's interests within the Department's areas of responsibility.
- Implementing the Government's asylum strategy and further developing national immigration policy.
- Developing and implementing policy in relation to equal treatment generally, anti-racism, disability equality, human rights and childcare.

## Department Structure and Staffing

The Department is structured around nine areas. Each area is comprised of one or more Divisions and is headed by a member of the Management Advisory Committee (see Appendix 1):

- Crime, Security and Northern Ireland, Mutual Assistance and Extradition
- Garda Síochána, Prisons and Probation and Welfare Policy
- Criminal Law Reform and Human Rights
- Civil Law Reform and Courts Policy
- EU/International matters
- Asylum, Immigration and Citizenship
- Equality, Equal Status, Childcare and Disability Equality
- Personnel, Corporate Services, Organisation Development and Project Development
- Finance, I.T. and the Reception and Integration Agency.

There were approximately 700 staff working in the Head Office areas of the Department at the end of 2003. Numbers working in the wider Justice and Equality Sector stood at about 20,000. There are now some 20 organisations in the J&E Sector, each with specific administrative, regulatory or operational functions. (see Appendix 1)

Across all its votes the Department was responsible for a budget of €1.731 billion in 2003 which compares to a budget of €1.603 billion in 2002.

# part two

Progress on 2003-2005 Strategy Statement High Level  
Goals and other developments during 2003



## Tackling Crime

### High Level Goal 1

*To achieve optimum protection against crime for all members of society.*

#### Strategy Statement 2003-2005 Objectives

- *Progress a comprehensive and measured policy for responding to crime, in the context of a well informed and broadly based public discussion on crime issues.*
- *Contribute to the ongoing development and implementation of the overall strategic objective of the National Drugs Strategy 2001-2008 to reduce significantly the harm caused to individuals and society by the misuse of drugs through a concerted focus on supply reduction, prevention, treatment and research.*
- *Within the framework of the overall objective of developing a comprehensive and measured policy for responding to crime generally, ensure that there continues to be an effective policy in relation to combating organised crime.*
- *Contribute to the development of an accepted framework for the production and presentation of crime statistics and promote the availability of complementary sources of crime data, in order to provide a greater quantity and quality of information on levels and trends of crime.*
- *Develop proposals in relation to the establishment of a national DNA database as an important aid in crime detection and, subject to Government decision, proceed towards implementation.*
- *Promote the RAPID (Revitalising Areas by Planning, Investment and Development) Programme in the Justice area.*
- *Continue to focus on youth and crime by supporting and developing evidence-based preventative measures and interventions aimed at young offenders and those most at risk of offending.*
- *Promote the co-ordination of response across agencies involved in assisting victims of domestic violence, rape and sexual assault.*
- *Continue to promote, implement and monitor the right to equal treatment and the accommodation of diversity in crime prevention and criminal justice processes, with particular regard to race, ethnicity and culture.*
- *Continue to develop a response to cybercrime.*
- *Contribute to progressing measures to reduce deaths and injuries on our roads, including strict enforcement of the road traffic laws.*
- *Make effective use of the arrangements for mutual assistance in criminal matters and extradition between Ireland and other jurisdictions.*

## Progress on objectives in 2003

- There was a downward trend in the level of crime during the year with an overall decrease of 3% compared with 2002. There were reductions of 54% in the level of sexual assault, of 21% in the level of assault causing harm, of 12% in the level of murder and of 14% in the level of manslaughter. (The figures for 2003 remain provisional but are unlikely to change in any significant manner.)

Following a decision by the Minister for Justice, Equality and Law Reform in 2002 that statistics are a key quality of life indicator, he continued to publish quarterly and annual headline crime statistics as soon as they became available from Garda sources.

The Government remained determined in its approach to tackling crime. This included a resolve to tackle the multifaceted causes of crime and a determination to ensure that all aspects of criminal law are adequate to combat crime and protect the public. In addition, it is necessary to ensure that the Garda Síochána continues to be given the resources to investigate crime and the courts the resources to deal effectively with criminal cases and that there are sufficient prison places to ensure that those convicted of crime will serve the sentences imposed on them by the courts.

- The Department continued to provide resources and support to and input into the work of the National Crime Council throughout 2003. The key roles of the Council are to focus on crime prevention, raise public knowledge and awareness of crime, examine the fear of crime, identify priorities for research which could be commissioned by the Department and undertake in-house research.

Following a process of consultation, which included the publication of a consultation paper in 2002 entitled "Tackling the Underlying Causes of Crime: A Partnership Approach", the Council published a final report in June, 2003, "A Crime Prevention Strategy for Ireland: Tackling the Concerns of Local Communities". The report contained, inter alia, recommendations in

relation to the establishment of a crime prevention structure.

In addition, the Council published in May 2003 a report looking at patterns of public order offending in Ireland in the period prior to the enactment of the Criminal Justice (Public Order) Act 1994 and the period since then. The report made a number of recommendations, particularly in relation to the licensing laws, which assisted in the formulation of the Intoxicating Liquor Act, 2003, and policing.

- The Department of Justice, Equality and Law Reform continues to play a proactive role through representation in the structures which are in place to formulate and implement policy to tackle the problem of drug misuse - Cabinet Committee on Social Inclusion; Inter-Departmental Group on the National Drugs Strategy; National Drugs Strategy Team (NDST); National Advisory Committee on Drugs (NACD); 14 Local Drugs Task Forces (Gardaí and Probation and Welfare Officers); 10 Regional Drugs Task Forces (based in Health Board areas) and the National Assessment Committee for the Young People's Facilities and Services Fund (YPFSF). The National Drugs Strategy 2001-2008 agreed by Government in 2001 contains a series of 100 individual actions to be implemented by all of the agencies involved in the delivery of drugs policy.

In addition to developing measures to tackle drug-related activity in conjunction with the Garda Síochána, the Department continued to actively participate in the multi-agency structures which have been set up to implement the National Drugs Strategy.

- Ten Regional Drugs Task Forces were established in 2003 based on Health Board areas and the Department made arrangements for the representation of the Garda Síochána and the Probation and Welfare Service on these Task Forces.
- Arrangements were made to continue to channel funding for pilot Local Drugs Task Force projects, for which the Garda Síochána and the Probation and

Welfare Service are the lead agencies.

- The Department continued to provide mainstream funding for a range of Justice-related projects which originated via Local Drugs Task Force initiatives.
- A research project, funded by the Department's Policy Planning Research Committee, was commissioned into the effectiveness of arrest referral schemes for drug offences. In addition, a pilot arrest referral scheme for juveniles was established in the Dublin North Inner City Local Drugs Task Force area. The results of the research project are expected to be published in Autumn 2004.
- The agreement of the Department of the Environment, Heritage and Local Government to the mainstreaming of the Community Policing Forum in the Dublin North Inner City Local Drugs Task Force area was secured.

An additional pilot community policing forum commenced during 2003 in the Finglas/Cabra Local Drugs Task Force area.

- A proposal for a pilot study in relation to the development of an accurate mechanism for recording the number of drug related deaths in Ireland was developed and circulated for comments to relevant parties. It is planned to have such a study in place in 2004 in line with Action 67 of the National Drugs Strategy.
- The Department has continued to develop and implement policy in relation to combating organised crime at national and international level. The operational successes of the Criminal Assets Bureau, in particular, and other Garda National Support Units are evidence of the progress being made in tackling organised crime.
- In February 2003, the Minister appointed an Expert Group on Crime Statistics having received Government agreement to do so. The Group was established on foot of a recommendation by the National Crime Council in its report "Crime in Ireland", published in November 2001, that an expert group

should be established to examine, among other matters, the collation of information relating to crimes reported to and recorded by the Garda Síochána, the needs of stakeholders, including researchers, structures, resources and changes to the Garda Commissioner's Annual Report. The Expert Group will complete its work in 2004.

- The National Crime Council's report also recommended that crime victimisation surveys be carried out on a regular basis in order to provide an empirically sound evaluation of the level of unreported crime. The Minister obtained Government approval to hold biennial National Crime Victimisation Surveys, with the first of these to be held before the end of 2004. Planning began for the first of these surveys in 2003.
- Work continued on the preparation of a Sourcebook on Youth Crime commissioned from the University of Limerick. This project will bring together all publicly available statistical data on youth crime (disaggregated by age group), provide information on youth justice sanctions and identify crime trends over time, in the context of an increasing focus on youth crime and resulting sanctions since the enactment of the Children Act 2001. This Sourcebook will contribute to an informed debate on this issue. The difficulties caused by the effects of youth crime remain one of the priorities in the Garda Annual Policing Plan and the Department continues its support of the Garda Youth Diversion Projects (see material on Youth Diversion Programme below) under the National Development Plan.
- In 2003 the Attorney General, acting pursuant to the Law Reform Commission Act 1975, requested the Commission to consider the establishment of a DNA databank. It is the Minister's intention to draw up, when the Commission's recommendations are available, proposals for a databank which would, having regard to constitutional requirements and the requirements of the European Convention on Human Rights, permit as extensive a databank as possible.

- The RAPID Programme targets the most concentrated areas of disadvantage in the State by ensuring that priority attention is given to these areas by Government Departments and State Agencies dealing with disadvantage and local development in the widest sense. The RAPID Programme selected 45 target areas in cities and towns for priority investment and frontloading of funding under the National Development Plan 2000-2006.

Throughout the course of 2003 the Department continued to be represented on the RAPID National Monitoring Committee and co-ordinated and supported the implementation of the RAPID Programme by the Garda Síochána, the Probation and Welfare Service and relevant Divisions of the Department. At the local level the Garda Síochána and the Probation and Welfare Service are represented on RAPID Area Implementation Teams and facilitate the co-ordinated delivery of the RAPID Programme.

The Department makes decisions on funding for RAPID proposals within the context of existing allocations across Votes within its remit. Particular priority is given to RAPID proposals which fall within the functional areas financed under the National Development Plan. Examples of the type of proposals received or supported under the RAPID Programme are applications for funding under the Equal Opportunities Childcare Programme, proposals for Garda youth diversion projects, CCTV schemes, Probation and Welfare Service projects and proposals which would be a matter for the Garda Commissioner to decide on (such as the deployment of Gardaí).

Of the proposals submitted through RAPID, the Department has approved funding of €5,001,970 under the Equal Opportunities Childcare Programme for 23 childcare proposals and €10,000 in respect of a Garda youth diversion project. In addition, one proposal submitted under the RAPID Programme which related to the allocation of Garda resources, and so was a matter for the Garda Commissioner to decide on, was implemented.

- The Department continued to participate in the European Crime Prevention Network. This Network was established in 2001 and contributes to developing various aspects of crime prevention at EU level, in particular the application of best practice, and supports crime prevention activities at local and national level. The Network pays particular attention to the fields of juvenile, urban and drug-related crime. Preparations were put in place for Ireland holding the Chair of the Network during the Irish Presidency of the European Union.
- The Department provided financial support to a range of crime prevention initiatives, including Neighbourhood Watch, Community Alert, the Missing Persons' Helpline and the Leanbh child begging project.
  - The Department continued to monitor the provisions of the Children Act, 2001 Act with particular reference to:
    - the Garda Diversion Programme, now on a statutory basis, which deals with juveniles who have committed offences (apart from certain serious offences), unless the interests of society require otherwise;
- the introduction of a "conference" based on restorative justice principles.
- Garda youth diversion projects are targeted at young people who are involved - or at risk of becoming involved - in criminal and antisocial behaviour. The projects seek to divert these young people from such activities by promoting personal development and civic responsibility through sporting, leisure, educational and other interventions. Each project is administered at the local level by a multi-agency management committee, which usually comprises the Garda Síochána, the Probation and Welfare Service, a major voluntary youth organisation and community representatives.

During 2003 the number of individual youth diversion projects administered by the Gardaí, in conjunction



with the Department, was 64. This number was established as part of the final phase of the expansion of the Garda Youth Diversion Programme under the National Development Plan. Garda authorities, in co-operation with the Department, continued to provide support for the schemes. The rapid expansion of the Garda youth diversion projects since their creation had created quality assurance challenges in relation to the operation and management outcomes of the projects. As a direct consequence of this a set of comprehensive guidelines for the establishment, management and administration of the projects were prepared by the Centre for Social and Educational Research at the Dublin Institute of Technology in conjunction with a cross-sectoral Advisory Group. These guidelines were published in May 2003.

- The Intoxicating Liquor Act 1988 (Age Card) Regulations 1999 set out detailed provisions in relation to the age cards scheme, which is operated by the Garda Síochána and is designed to assist licence holders to comply with legislative provisions relating to under-age drinking by providing evidence of age where a doubt exists. During 2003 a total of 57,695 cards were issued, bringing the total number issued to 145,494. The Department and the Garda Síochána continued to monitor the operation of the scheme to ensure its effectiveness.
- The Department is represented on the National Steering Committee on Violence Against Women and also provides the secretariat to the Committee. The National Steering Committee met regularly during 2003 and continued to respond to the various issues involving violence perpetrated against women.

One of the aims of the National Steering Committee is to raise public awareness of the issue of violence against women. In December 2003, the Committee undertook an awareness campaign which aimed to highlight the role which society should play in reporting incidents of violence against women to the Gardaí.

In 2003, the Department commissioned an evaluation

of all intervention programmes for perpetrators of domestic violence which are funded by it. The results of the evaluation are expected in Autumn 2004.

During the year, the Department agreed to fund further comprehensive research into attrition rates in rape cases in Ireland. This research is being carried out by the National University of Ireland, Galway and the Rape Crisis Network Ireland. The research should provide a greater understanding as to why victims choose not to report cases to the Gardaí and also why, of the cases that are reported, only a small percentage result in a court hearing and should hopefully lead to changes in this regard.

- The development of the National Action Plan Against Racism represents an opportunity to both build upon and enhance existing policies and strategies to address racism in Ireland and to identify new priorities, aspirations and areas of work that can be drawn together into an overall cohesive plan. A Consultative Process which consisted of a national consultative conference, written submissions, regional and thematic seminars was completed in 2003.

A report on the Consultative Process and a framework structure for the Plan "Diverse Voices" was printed and widely distributed in 2003. It is also available on the Department's website under the heading 'National Action Plan against Racism'.

The report contains a number of recommendations in relation to Policing and the Administration of Justice. The Plan is currently being drafted and is expected to be published in 2004.

- The Department provides the secretariat and general support for the Internet Advisory Board. The Board was set up in 2000 to raise awareness about Internet downside issues, including the area of child pornography, and to monitor and support a self-regulatory framework for the internet service provider industry and the work of the hotline for reporting on child pornography. In April 2003, the

Board established a review group to examine the Code of Practice and Ethics for the Internet Service Provider Industry, arising from a commitment to the industry to review it after one year in operation. This review is continuing in 2004. In July 2003, the Board published its first report covering the period February 2000 to December 2002. A third national radio and poster awareness campaign on internet safety for parents and children was mounted in December 2003.

- During the year, the Department continued to ensure that the Garda Síochána was adequately resourced to enforce the Road Traffic Acts and key road traffic policy initiatives. The principal Garda road safety campaign, Operation Lifesaver, continued in 2003, focusing in particular on drink driving, speeding and seat belt offences. A working group was established to examine the potential for outsourcing elements of speed detection. The penalty points system, which was introduced on a manual basis for speeding offences from 31 October 2002, was extended to include driving without insurance from 1 June 2003 and seatbelt offences from 25 August 2003. Provisional figures from the Garda Síochána indicate that the number of fatalities on the roads in 2003 was 341, the lowest number for 40 years. The Garda Síochána indicated that there were approximately 250,000 detections for speeding and 157,852 fixed charge notices were issued in respect of speeding offences during 2003.
- During 2003 the Central Authority for Mutual Assistance in Criminal Matters assisted in the development of a number of domestic, international and bilateral initiatives designed to improve the legislative and operational arrangements for mutual assistance including:
  - Domestic legislation relating to illicit traffic by sea, the International Criminal Court, international co-operation and Joint Investigation Teams;
  - draft Framework Decisions on the execution in the European Union of orders freezing property on evidence and confiscation orders;

- the work of the Council of Europe Committee of Experts on the operation of European Conventions in the Penal Field;

- the draft agreement on mutual assistance between the European Union and the United States of America.

In the course of the year the Central Authority continued to participate in the European Judicial Network (EJN) and to make preparations for meetings of the EJN during Ireland's Presidency of the EU. The Network consists of contact points in each EU Member State who provide practical and legal information on the operation of mutual assistance in their respective jurisdictions and generally assist in improving co-operation between Member States. A Guide to Irish Law and Procedures in relation to Mutual Assistance in Criminal Matters is available from the Department for use by practitioners. The Guide is available in English, Spanish, French, German and Italian.

- During 2003 the Department provided assistance in connection with:
  - the legislation to implement the Framework Decision on the European Arrest Warrant;
  - the draft agreement on extradition between the European Union and the United States of America;
  - the work of the EU working group on extradition matters.

**In addition progress was made in the following areas:**

- the development of operational procedures to underpin new legislation implementing the European Arrest Warrant;
- the setting up of a Central Authority for the European Arrest Warrant;
- the drafting of guidelines to take account of the European Arrest Warrant.

## Other developments

### Cross-Border Seminar on Organised Crime

In May 2003 a joint Garda Síochána/Police Service of Northern Ireland seminar on cross-border organised crime was held. Following the success of this Seminar, which led to a number of joint operations, it is hoped to make this an annual event. A second Seminar is planned for September 2004.

### Drug Supply Reduction

Enforcing the law relating to drugs is primarily the responsibility of the Garda Síochána and the Customs Service. Co-operation and intelligence sharing between both law enforcement agencies continued to increase resulting in very large drug seizures by each agency and by both agencies acting together.

In terms of drug supply reduction, the National Strategy sets performance indicators for drugs seized to increase by 25% by the end of 2004 and by 50% by end of 2008, using the 2000 seizures figure as a baseline.

The Garda Síochána seized drugs with a street value of approximately €100 million in 2003; €50 million in 2002; €45 million in 2001 and €20 million in 2000.

In line with the relevant commitment in the Programme for Government and the goals set out in the Policing Plan 2003 of the Garda Síochána there is ongoing activity by the Garda National Drugs Unit (GNDU), the Criminal Assets Bureau (CAB) and the Garda Bureau of Fraud Investigation (GBFI) in relation to targeting the assets of middle-ranking criminals involved in drug dealing.

### Garda Operations

The Garda view is that operations such as Cleanstreet and Nightcap continued to prove effective in targeting on street drug dealing and the distribution of controlled drugs in nightclubs and licensed premises.

The Garda National Drugs Unit continues to maintain close contact with law enforcement agencies in other EU Member States and beyond. This contact involves information and intelligence sharing, along with joint operations which often cross numerous jurisdictions in a

single operation. The activities of Garda Liaison Officers based in Madrid, London, Paris and The Hague and at Interpol and Europol Headquarters have also contributed to operational successes.

### Criminal Assets Bureau

The Department of Justice, Equality and Law Reform facilitates the operation of the Criminal Assets Bureau and ensures that the necessary funding is available for the effective functioning of the Bureau.

The Bureau continued to implement fully a multi-agency approach to deny persons engaged in criminal activity of the proceeds of their crimes.

The Annual Report of the Criminal Assets Bureau 2002 was published in 2003.

In 2003 the Bureau obtained Interim Orders on property to the value of over €3 million under section 2 of the Proceeds of Crime Act 1996 and interlocutory orders on property worth almost €900,000 under section 3 of the Proceeds of Crime Act 1996.

Tax and interest collected during 2003 from persons suspected of involvement in criminal activity amounted to over €10 million and Social Welfare savings in 2003 amounted to over €110,000. The Bureau's expenditure for 2003 was €5.711 million.

### Money Laundering

In 2003 the Money Laundering Unit of the Garda Bureau of Fraud Investigation received 4,254 suspicious transaction reports. 1,328 of these led to the initiation of further Garda investigations into money laundering and other criminal activity. The number of suspicious transaction reports has grown considerably from 199 in 1995. The increase can be attributed to a number of factors, including changes in legislation and an increased awareness of money laundering.

### Victim Support

The Department continued to support the work of the Victim Support Organisation. The allocation towards the administration and training costs of the organisation in 2003 amounted to €1,077,000.

## Mutual Legal Assistance

### During 2003:

- 295 mutual assistance requests were received from abroad.
- 91 requests were sent abroad.

### The types of request processed by the Central Authority include:

- requests for assistance in the service of judicial documents,
- the search for and seizure of evidence,
- the taking of evidence in court,
- police to police co-operation,
- production orders,
- the restraint and confiscation of criminal assets,
- the exchange of information from judicial records and
- the temporary transfer of prisoners.

Requests can relate to any criminal offence but typically relate to offences of a serious nature such as drug trafficking, violent offences and financial crimes.

## Extradition

### During 2003:

- 22 extradition requests were received from the United Kingdom in 2003;
- 11 persons were surrendered to the United Kingdom;
- 14 requests were received from other countries;
- A report on the operation in 2002 of the extradition arrangements with the United Kingdom was prepared by the Department and presented by the Government to the Houses of the Oireachtas on 28 November, 2003 as required by statute.

## Firearms and Explosives

The programme of modernisation in relation to firearms

and explosives was further advanced in 2003 with the creation of a number of databases to process and store applications for magazine licences and explosive importation licences.

## Registered Firearms Dealers

Approximately 410 firearms dealers were registered in the State during 2003; however the total number registered at any one time varied throughout the year as firearms dealers are removed from or added to the register. Approximately half of the registered firearms dealers traded in firearms and ammunition and paid a fee of €75 per annum, while the remainder traded in ammunition only and paid a fee of €12 per annum.

## Firearm Certificates

Firearm certificates are granted to residents in the State and non-residents by the Garda Síochána. 211,984 certificates were granted during the year ended 31 July 2003 to residents. Approximately 4000 such certificates were granted to non-residents for the year ending 31 December 2003. A non-resident may not bring a firearm into the country which a resident is prohibited from holding.

## Importation Licences (EU and Non-EU importations)

1,434 importation licences were granted during the year ended 31 December 2003. It should be noted however that import licences can and regularly do contain more than one firearm per licence granted.

## Export to EU Countries

479 transfer documents were granted during the year ended 31 December 2003. It should be noted however that export licences can and regularly do contain more than one firearm per licence granted.

## Explosives

During the year ended 31 December, 2003 the following licences were issued:

- 491 importation licences for industrial explosives, marine safety flares, nitrates/sodium chlorate and a number of minor items;

- 312 fireworks importation licences for displays;
- 29 licences for the manufacture of explosives on site of use, i.e. quarries.

### **Training Courses for Drivers of Vehicles Carrying Explosives**

During 2003, 10 drivers attended specialisation courses.

### **Carriage of Dangerous Goods by Air**

904 Applications were received from the Department of Transport for the Carriage of Dangerous Goods or Munitions of War.

### **Scheme of Compensation for Personal Injuries Criminally Inflicted**

The Criminal Injuries Compensation Tribunal administers a Scheme of Compensation for Personal Injuries Criminally Inflicted which provides for ex-gratia compensation in respect of out-of-pocket expenses (including loss of earnings) incurred as a result of personal injuries, including fatal injuries, which are directly attributable to a crime of violence or which were sustained while trying to prevent a crime or in the saving of a human life. The Department is responsible for the administration of the Scheme.

In 2003, the Tribunal was provided with funding of €3.433 million for the General Scheme of which €112,000 related to staff pay. The Tribunal paid out €3.239 million in awards. The highest award paid out in 2003 was €718,526 and the lowest was €207.

The Tribunal received 236 new applications in 2003 and made decisions in 169 of the cases on hand. Of the decisions made 147 applications received awards, 20 applicants had their applications refused and a further 2 cases were withdrawn or closed.

The Tribunal also administers the Prison Officers Scheme of Compensation for Injuries Criminally Inflicted on Prison Officers. This Scheme came into force in 1990 and was backdated to 1986. In 2003, the tribunal was allocated funding of €994,000. The Tribunal paid out €1,202,096 in awards plus €65,593 in legal fees. The highest award paid out under the Prisons Officer's Scheme in 2003 was

€172,254 and the lowest was €2,612. The Tribunal made significant awards in three other applications and because of this the Tribunal went over its allocation. The Irish Prison Service granted permission to pay out these awards and any other award on hand at the end of the year as they had savings in the Prison Vote under the heading "Awards". This heading relates to awards to Prison Officers and prisoners.

The Tribunal received 85 new applications in 2003 and made decisions on 79 of the cases on hand. Of the decisions made 75 applicants received an award and 4 had their applications refused.

### **Review of the Criminal Injuries Compensation Scheme**

The review of the Criminal Injuries Compensation Scheme, mentioned in the Annual Report of 2000, was brought to an advanced stage before further consideration of the Scheme had to be put on hold pending the outcome of a Court decision in relation to aspects of the Scheme.

### **Criminal Injuries EU Directive**

The Department participated at Working Group level in relation to a proposal for a Council Directive on compensation to Crime Victims. The aim of the proposal is to establish minimum standards of compensation throughout the EU and to facilitate access to compensation where a resident of one Member State suffers criminal injury in another Member State. It is envisaged that the Council Directive will be finalised in 2004.

## Security

### High Level Goal 2

*To further develop policies and implement measures to underpin the security of the State and to pursue such policies and measures in the wider international context of security.*

#### Strategy Statement 2003-2005 Objectives

- *Keep under review and identify appropriate responses to threats posed by terrorism to the security of the State or the international community.*
- *Keep under review the effectiveness of the regulation and control of firearms and explosives.*

### Progress on objectives in 2003

- In 2003, the Department, in consultation with the Garda Síochána, continued to keep the Minister and the Government advised on the nature and extent of the threat posed by terrorist organisations to the security of the State and the wider international community.
- In the wider international context of security, the Department continued to contribute actively to the various international fora, and in particular within the European Union, to the adoption and implementation of counter-terrorism measures.
- Proposals for the updating of firearms legislation were finalised and submitted to the Minister.
- A programme of upgrading the security of all firearms dealers in conjunction with the Garda Síochána was advanced to near completion.

### Other developments

Material relating to the regulation and control of firearms and explosives is set out in the chapter on Tackling Crime (see page 22)



## GARDA SÍOCHÁNA

### High Level Goal 3

*To ensure that the Garda Síochána has the structures, resources and capacity to operate in an efficient and effective manner, meeting the best practices of a modern police service, taking account of the Government's and Minister's key objectives and accounting for its performance and for the management of the resources allocated to it.*

#### Strategy Statement 2003-2005 Objectives

- *Seek to secure for the Garda Síochána the necessary personnel, financial and other resources to provide an effective and high quality policing service.*
- *Pursue the programme of organisational change arising from the recommendations of the Report of the Steering Group on the Efficiency and Effectiveness of the Garda Síochána.*
- *Manage compensation claims relating to the Garda Síochána.*
- *Administer the Garda Conciliation and Arbitration Scheme.*
- *Establish a Garda Inspectorate.*
- *Support the investigation into allegations of Garda misconduct in Donegal and take any necessary follow-up action required.*
- *Support the investigation into the fatal shooting of John Carthy at Abbeylara and take any necessary follow-up action required.*
- *Optimise co-operation between the Garda Síochána and the Police Service of Northern Ireland.*

#### Progress on objectives in 2003

- The Government is committed to ensuring that the Garda Síochána is provided with the necessary resources, both in terms of personnel and equipment, to enable it to deal efficiently and effectively with the many challenges which it faces.
- The allocation provided in the 1997 Estimates for the Garda Vote was a figure of just under €600 million. The Estimate Provision for the Garda Vote for the year 2003 was €963.8 million, representing an increase of over 60% on the 1997 Estimate Provision.
- The personnel strength (all ranks) of the Garda Síochána on 31 December 2003 was 12,017. This represents an increase of 1,049 (or 9.6%) since the 31

December 1997. The level of recruitment undertaken in 2003 will ensure that the Minister's commitment to increasing the strength of the Force to 12,200, its current authorised maximum strength, will be achieved in 2004.

- Significant progress was made on implementation of the Garda Information Technology Plans in 2003.

The major effort was on the continued development of the Fixed Charge Processing system which will enable the automation of processing of Fixed Charge Notices. This will also enable the implementation of the Road Traffic Act, 2002 thus allowing for the nationwide implementation of the penalty points system. Work continued apace during 2003 and plans are on target for the implementation of a live pilot of the system

during the second quarter of 2004 with nationwide rollout taking place as quickly as possible thereafter. Progress was also made on the outsourcing of the collection of payments, which, when implemented will free Garda resources for operational duties.

On the development of the National Digital Radio System, the pilot project which operates in two Garda Divisions in the Dublin Metropolitan District and the Traffic Units was successfully completed in 2003. The Garda Commissioner has submitted a business case for the rollout of a nationwide system which is being considered by the Department.

During 2003, the final release of the Garda PULSE system was rolled out and is operating successfully throughout the Country.

- During 2003 the ongoing programme of replacement and refurbishment of Garda station accommodation continued. Building and refurbishment projects were completed at many locations during the year including Rathangan, Ballinrobe and Kilmihil. Work also commenced at stations at Abbeyfeale, Ballina, Ballycotton, Ballyshannon, Bantry, Dundalk, Garda HQ, Longwood, New Ross, and Templemore. In addition a large number of maintenance projects were completed at various Garda locations during the year.
- During 2003, work continued on the preparation of a Bill to provide for an independent Garda Inspectorate, which will have the power to investigate complaints against members of the Garda Síochána and also have the powers of an Ombudsman. Following Government approval, the Bill is expected to be published in 2004.

The Department continued to liaise with the Garda Síochána Complaints Board in the areas of finance and the presentation of the Board's Annual Reports to Government. The Board is independent in the exercise of its duties regarding the processing of complaints.

- During 2003 the Minister advised the Garda Commissioner of eight policing priorities which the Government wished to see addressed. These priorities have been incorporated into the Garda Síochána

Policing Plan 2004, which was published in December 2003.

- Legislative measures to give effect to the recommendations contained in the Report on Performance and Accountability for the Garda Síochána are contained in the general Scheme of the Garda Bill 2003 which was published on 30 July 2003.
- The Garda SMI Implementation Steering Group completed its review of structures and operating systems and its Final Report will be presented to Government in 2004.
- Progress continued in 2003 on the implementation of the Garda SMI change programme in areas such as civilianisation, financial management, PULSE, Quality Service, roster system, training, etc.
- A plan to reduce Garda Síochána compensation cases on hand commenced in November, 2003. During the year €6.4 million including costs was awarded by the High Court in 163 compensation claims arising under the Garda Síochána (Compensation) Acts, 1941 and 1945. A further 207 new applications were received in 2003.

A Database was developed in 2003 for recording additional pertinent details regarding applicants' claims.

Following agreement with the Garda staff associations, steps were taken to establish a Garda Síochána Compensation Tribunal along the lines recommended by a committee set up in 1997 to review and make recommendations on the efficiency and effectiveness of the Garda Síochána (Compensation) Acts 1941 and 1945. The committee made 14 recommendations which included the repeal of the existing Acts and the setting up of a new Garda Síochána Compensation Tribunal on a statutory basis.

- A new database installed in 2002 to input/output pertinent details of civil actions was maintained and developed in 2003. All cases were duly processed in 2003 and, where appropriate, consultations were held with the Chief State Solicitor's Office.



There was a total of €2.46 million, including settlements, awards and costs paid in respect of 107 claims arising from non-malicious injuries to Gardaí, injuries to civilians on Garda premises, legal actions taken by Gardaí and legal actions arising from acts or omissions by the Garda Síochána. There were 148 new cases in 2003.

- Stable industrial relations were maintained in 2003 between the Garda associations and the Official Side - which comprises representatives from the Department of Finance, Garda Management and the Department of Justice, Equality and Law Reform - due to the effective processing of claims and issues and a commitment to engage in full and fair discussion in an effort to bring about the most acceptable outcome to all parties.

A significant development in 2003 relates to the agreement which was reached on 28 November with the Garda associations for the application of the terms of the "Sustaining Progress" Social Partnership Agreement 2003 - 2005 to Garda ranks within the Conciliation and Arbitration Scheme.

Application of the terms of Sustaining Progress was subject to the acceptance by the Garda associations of the terms of that agreement in relation to general co-operation with modernisation and flexibility and agreement on a specific modernisation agenda. The modernisation agenda agreed for the Garda Síochána includes such diverse items as:

- Strategic Management Initiative matters
- A revised Conciliation and Arbitration Scheme
- Partnership
- Garda compensation
- Stable industrial relations and
- The welfare service

A particularly significant development relates to the proposed introduction of a revised Conciliation and Arbitration Scheme which was agreed as part of the modernisation agenda for the Garda Síochána.

Intensive negotiations will take place in early 2004 in an effort to reach agreement on the Scheme by the end of March 2004. It is proposed that the revised scheme will provide for the following:

- (i) A three person Arbitration Board instead of a single arbitrator to deal with claims for increases in basic pay and other claims involving significant expenditure. The Board would comprise an independent chairperson together with one person to be nominated by the Official Side and one person to be nominated by the Associations.
- (ii) An adjudicator to deal with non-pay issues which do not involve significant expenditure.
- (iii) Specified criteria will be taken into account at each stage of the conciliation and arbitration process.
- (iv) Provision for the use of a facilitator as an aid to the negotiation process.
- The Tribunal of inquiry into complaints concerning some Gardaí of the Donegal Division (the Morris Tribunal), began hearing oral testimony in March 2003. The Tribunal commenced its work hearing evidence related to the question of hoax explosive 'finds' in Donegal during 1993 and 1994 - paragraph (e) of its terms of reference. A break in these hearings occurred in June and July 2003 when the Tribunal moved to Donegal to begin hearings in relation to the investigation into the death of Mr Richard Barron in October 1996 - the "Barron Investigation Module" - paragraph (b) of the terms of reference.
- The work of the Barr Tribunal of Inquiry, chaired by Mr. Justice Robert Barr, was taken forward in six modules which were to examine the following:
  - (i) The background to the fatal shooting of John Carthy;
  - (ii) The circumstances of the shooting;
  - (iii) The Garda Emergency Response Unit;
  - (iv) Cause of death and injuries sustained;

(v) How police forces in other jurisdictions deal with similar situations; and

(vi) Reviews of Irish firearms legislation and of relevant police training.

A seventh module was subsequently added relating to the role of the media in the events at Abbeylara. The hearings of the Tribunal continued throughout the year.

- The Garda Síochána Police (Co-operation) Act 2003, which gives effect to the provisions of the Agreement on the secondment and transfer of members of the Garda Síochána to the Police Service of Northern Ireland and vice versa, was enacted in June 2003. This is a major step, not only for policing in Northern Ireland, but for the two police services and for policing on this island.

## Other developments

### Performance and Accountability

A performance and accountability framework for the Garda Síochána is contained in the General Scheme of the Garda Síochána Bill 2003 which was published on 30 July 2003. This Bill will put in place new statutory provisions towards an enhanced reporting relationship for police performance with the Minister and the Oireachtas. As recommended in the SMI Report on Performance and Accountability in the Garda Síochána, it is based on the Minister setting annual policing objectives and approving proposals prepared by the Commissioner for the implementation of those objectives. The Bill also contains provisions to enable the transfer to the Garda Commissioner of the role of Accounting Officer for the Garda Vote.

### Garda Air Support Unit

The EC 135 Garda Helicopter came into service in February 2003 and has greatly expanded the area of operations of the Garda Air Support Unit. It allows for greater availability of air support in the fight against crime. The strength of the Garda Air Support Unit was increased to provide for a 24-hour immediate response capability within the State with effect from 24 November 2003.

### Garda Fleet

A total of €5.9 million was spent in 2003 on the purchase of vehicles for the Garda and Ministerial fleets. The operational capability of the Force at the end of the year was 2,008 vehicles.

### Senior Garda Appointments

During 2003 the Government appointed a new Garda Commissioner, a Deputy Commissioner and two Assistant Commissioners. Government also approved the appointment of six Chief Superintendents and 17 Superintendents to fill vacancies which arose in these ranks as a result of retirements.

As part of the SMI review of the Garda Síochána the Government decided that new arrangements should be introduced for promotion to the Assistant Commissioner rank. Following consultations with the Garda associations a request for tender was agreed and proposals were invited from management consultants to undertake a review of the selection process for promotion of Chief Superintendents to the rank of Assistant Commissioner.

### Civilian Staff

A social and psychological studies teacher and two Irish language teachers were appointed in the Garda College, Templemore. Two civilian cartographers were appointed to the Garda Technical Bureau, Harcourt Square, Dublin. A competition was also run to fill seven vacancies that had arisen for civilian drivers in the Garda Síochána and a panel was established from the competition to fill future vacancies.

### Video Recording

The implementation of the nationwide scheme of suspect interview video recording in selected Garda stations, which commenced in 2001 was virtually completed in 2003. By the end of 2003 facilities had been provided, and were in regular use, in 134 Garda stations in every Garda Division. This number of stations is considered adequate by the Garda authorities to provide the nationwide coverage intended by the Government.

## THE COURTS

### High Level Goal 4

*To facilitate the Courts Service in effectively managing the courts, supporting the judiciary and providing a quality service to all court users.*

#### Strategy Statement 2003-2005 Objectives

- *Ensure that all ministerial functions in relation to the courts are effectively discharged.*
- *Co-ordinate and integrate the policy objectives of the Minister and the Government across the wider criminal justice system with those of the courts system.*
- *Ensure the implementation of those objectives set out in the Programme for Government which relate to the Courts and the Courts Service.*
- *Ensure that the Courts system has the appropriate administrative infrastructure, systems and resources in place to enable it to provide a high quality service to the public and to judges, including improved access and facilities for court users.*
- *Work with the Courts Service to develop full participation by the courts in the eGovernment initiative for the delivery of public services to the citizen and to businesses.*

#### Progress on objectives in 2003

- Funding of €92.179m was secured for the Courts Service for 2003 which allowed the Service to continue to provide a high quality service to all court users.
- Work continued on the electronic implementation of the Penalty Points system between the Courts Service, Gardaí and Department of Environment and Local Government.
- Steering groups were established to drive forward inter-agency matters, i.e. Public/ Private Partnership projects, Penalty Points System, eCourts and the Expenditure Review Process.
- Following the evaluation of the Drug Court pilot programme by expert consultants, the programme was extended to include the Dublin 7 area. The extension of the Drug Court will allow time for further consideration, in consultation with the relevant Departments and Agencies, of how the Drug Court concept should be further developed and resourced.

The evaluation report was published in February 2003.

- Four judges were appointed during 2003 to take account of retirements and additional posts created.
- The High Court appointed inspectors to Ansbacher (Cayman) Ltd. in September 1999. A Report was published in June 2002. The Ansbacher case was settled in December 2003 and the recovery of costs was finalised.

#### Other developments

##### The Courts Service Strategic Plan 2002-2005

The Courts Service Strategic Plan 2002-2005 was published in April 2003.

##### The Courts Service Capital Building Programme

€18.84 million was spent on refurbishment projects in 2003. The Courthouse at Dundalk was fully refurbished and extended to provide modern court accommodation for the Dundalk and surrounding area. New court facilities were provided at Tubbercurry as part of a One-Stop-Shop

development in conjunction with Sligo County Council. New District Court facilities were provided in Navan and Court sittings commenced in September 2003.

Maintenance and painting/decoration works were carried out at many venues in 2003 including Bray, Carndonagh, Glenties, Trim, Wicklow and Clonmel.

A notice issued to all Courts Service offices in 2003 in relation to the importance of the conservation of energy.

### Rules Committees

Following the enactment of legislation, court rules are made by the Rules Committees of the respective Courts and forwarded to the Department which liaises with the Office of the Attorney General and the Director of Public Prosecutions, as appropriate, and arranges for the submission of these rules to the Minister for concurrence and for publication following signature by the Minister.

#### - District Court Rules

**Seven new rules were made during 2003 by the District Court Rules Committee:**

*S.I. No. 283 of 2003 – District Court (Taxes Consolidation Act 1997) (Amendment) Rules, 2003, signed by Minister on 3 July 2003 – came into force on 24 July 2003*

*S.I. No. 409 of 2003 - District Court (Terms of Employment Information) Rules 2003, signed by Minister on 3 July 2003 – came into force on 24 July 2003*

*S.I. No. 410 of 2003 - District Court (Small Claims)(Amendment) Rules 2003, signed by Minister on 3 July 2003 – came into force on 24 July 2003*

*S.I. No. 411 of 2003 - District Court (Estreatment of Recognisances) Rules 2003, signed by Minister on 3 July 2003 – came into force on 24 July 2003*

*S.I. No. 412 of 2003 – District Court (Theft & Fraud Offences) Rules 2003, signed by Minister on 3 July 2003 – came into force on 24 July 2003*

*S.I. No. 484 of 2003 - District Court (Appeals to the Circuit Court) Rules 2003, signed by Minister on 20 October 2003- came into force on 17 November 2003*

*S.I. No. 614 of 2003 - District Court (Maintenance) Rules 2003, signed by Minister on 13 November 2003 - came into force on 11 December 2003*

#### - Circuit Court Rules

**One new rule was made during 2003 by the Circuit Court Rules Committee:**

*S.I. No. 615 of 2003 - Circuit Court (Restoration of Companies to the Register etc.) Rules 2003, signed by Minister on 13 November 2003 - came into force on 11 December 2003*

#### - Superior Court Rules

**One new rule was made during 2003 by the Superior Court Rules Committee:**

*S.I. No: 616 of 2003 - Rules of the Superior Courts (Fees Payable to Commissioners for Oaths) 2003, signed by Minister on 13 November 2003 - came into force on 11 December 2003*

### Judicial Appointments during 2003

Judges are appointed by the President acting on the advice of the Government. The Minister for Justice, Equality and Law Reform is responsible for bringing to Government the names of candidates recommended by the Judicial Appointments Advisory Board for appointment as Judges. The Department assists the Minister in carrying out the necessary administrative arrangements.

The overall number of serving Supreme Court Judges (including the Chief Justice) at 31 December 2003 was 8. There was no appointment to the Court during 2003.

The total number of Judges serving in the High Court (including the President) at 31 December 2003 was 30. There were three appointments to the Court during 2003.

The total number of Judges serving in the Circuit Court (including the President) at 31 December 2003 was 30. There was no appointment to the Court during 2003.

The total number of Judges serving in the District Court (including the President) at 31 December 2003 was 52. There was one appointment to the Court during 2003.

## PRISONS and PROBATION & WELFARE

### High Level Goal 5

*To promote community safety through effective offender management by both the Prison Service and the Probation and Welfare Service in accordance with the law and the sentences and sanctions handed down by the courts. To encourage best practice including appropriate mechanisms of accountability for both these Services.*

#### Strategy Statement 2003-2005 Objectives

- Advance the process of structural and systems development..
- Ensure that the Prison Service and the Probation and Welfare Service collectively support the aims and objectives of the Minister and the Government in relation to the management of offenders.
- Keep the Regulatory framework up to date.

### Progress on objectives in 2003

- Negotiations continued throughout the year with the Prison Officers' Association on the implementation of new working arrangements which are aimed at eradicating the unacceptable levels of prison staff overtime and delivering a more efficient and cost effective Prison Service. A framework proposal to achieve this aim was issued to the Association during the year but discussions, which involved independent facilitators, broke down on 17 September 2003, when the facilitators withdrew. However, based on some progress made in those talks, an improved offer was put to the Association in early October 2003. The offer was subsequently rejected by a ballot of members of the Prison Officers' Association.

On 11 November 2003, the Government approved the progressive implementation of the following measures, with effect from January 2004, in the event of failure to reach agreement with the Prison Officers' Association on the overtime issue:-

- The strict capping of staffing levels and overtime at a level which will result in the annual expenditure provided for in the Estimates based on the current offer made to the Prison Officers' Association;

- The mothballing of Fort Mitchel and Curragh Places of Detention;
- The publication in the EU Journal of a Prior Information Notice signalling the Minister's intention to invite tenders from contractors to provide a prisoner escort service to the Irish Prison Service;
- The making of arrangements for the transformation of the open centres at Loughan House and Shelton Abbey into post release centres for the reintegration into society of prisoners on conditional temporary release; and,
- The holding of a competition for the recruitment to a new entry level grade of prison officer.

In December 2003, agreement was reached with the Prison Officers' Association to employ the services of the Labour Relations Commission in a further effort to reach agreement on the matter.

- The Probation and Welfare Service, during 2003, advanced the establishment of an Information Technology Unit and completed stage 1 of the implementation of a customised Information Technology system. The system will provide a comprehensive case management system and data to assist the efficient management of the Probation and



Welfare Service. When fully operational, the system will have the capacity to produce detailed information on the use and management of community sanctions.

During 2003, the Value for Money examination of the Probation and Welfare Service was continued by the Office of the Comptroller and Auditor General. The findings of the examination will be available in 2004 and will inform the further development of best practice and the effective management of the Probation and Welfare Service.

In 2003, the Probation and Welfare Service began the supervision of offenders whose sentences require post-release supervision under the Sex Offenders Act 2001. The relevant sections of the Act came into effect in late 2002.

Structural and system development in the Probation and Welfare Service to meet service obligations in regard to the implementation of the Children Act 2001 was progressed in 2003.

- Work continued in 2003 on the preparation of **New Rules for the Government** of Prisons. These Rules, which will set out in considerable detail the full range of rights, duties and obligations for prisoners, prison staff and management, were prepared in the Department and transmitted to the Attorney General for legal drafting. The draft Rules were the subject of detailed and extensive consultation with senior staff throughout the prison system and European standards for prisons have been taken into account in their drafting. The Rules will come into force, as a Statutory Instrument, as soon as possible after the text has been finalised in consultation with Parliamentary Counsel to the Government.

The **Criminal Justice (Temporary Release of Prisoners) Act, 2003** was signed by the President on 29 October 2003. The Act provides a clearer legislative basis for the power to grant temporary release by setting down the principles which will apply to the exercise of this power. The Act amends section 2 of the Criminal Justice Act 1960, and will provide a clear

and transparent basis, as well as the necessary safeguards required, for the operation of the system of temporary release. It is expected that the Act will be commenced in 2004 following finalisation of draft regulations which are currently with the Parliamentary Draftsman.

A Statutory Instrument, **Prison Rules 2003** (S.I. No. 730 of 2003), was made by the Minister in December 2003 which confers on members of the Defence Forces and the Gardaí the powers and privileges of prison officers where they assist the Governor of a prison in maintaining good order and safe and secure custody.

## Other developments

### Office of the Inspector of Prisons and Places of Detention

The Office of the Inspector of Prisons and Places of Detention at 1 Lower Grand Canal Street, Dublin 2 was officially opened by the Minister on 8 September 2003.

### Probation and Welfare Service

A Community based Sex Offender Programme was established in Dublin by the Probation and Welfare Service during 2003 and successfully completed its first programme with offenders in the community.

The first dedicated centre providing accommodation for homeless female prisoners leaving custody was opened in Dublin in February 2003. Accommodation for ex offenders was also opened in Sligo. A re-integration project supporting ex-prisoners making the transition from custody to the community was established in Cork. These initiatives are funded by the Department of Justice, Equality and Law Reform through the Probation and Welfare Service. These initiatives address needs highlighted in recommendation 6.19 in the National Economic and Social Forum Report 22, entitled Re-integration of Prisoners.

The Department of Justice, Equality and Law Reform, through the Probation and Welfare Service, in 2003, provided over €17m in funding to over 70 community

projects and initiatives addressing offending behaviour and related issues. In September 2003, the Probation and Welfare Service convened the first national meeting of funded projects and initiatives to share good practice, develop networks and acknowledge their major contribution to the work of the Probation and Welfare Service and the management of offenders in the community. The meeting was addressed by Michael McDowell, T.D., Minister for Justice, Equality and Law Reform.

### Decentralisation

In December 2003, the Government announced that, as part of the decentralisation programme, the Headquarters of the Irish Prison Service and the Probation and Welfare Service will be moved to Longford and Navan respectively.

### Petitions

The 1995 High Court Judgement on petitions stated that the power of clemency must be used sparingly and only in special and exceptional circumstances. As a consequence of applying the High Court Judgement to the assessment of applications to open a petition and re-petitions, all petition cases which the Minister adjudicated on in 2003 were refused.

#### 2003 - Petitions / Re-Petitions

Application to open a petition (AOPs) / re-petitions (RPs) received	67
AOPs / RPs finalised - including cases carried forward from 2002	94
AOPs / RPs carried forward to 2004	None

### Peace Commissioners

Peace Commissioners are appointed by the Minister as the need arises in particular areas. The Office of Peace Commissioner is an honorary one. 122 persons were appointed as Peace Commissioners in 2003 and 97 Peace Commissioners resigned, died or were removed from office during the year. At the end of the year, the number on the Roll of Peace Commissioners was 6,884.

### Statistics

Statistics relating to prisons and related matters are published in the Annual Reports of the Irish Prison Service and of the Parole Board and in the Minister's Annual Report on the Operation of the Council of Europe Convention on the Transfer of Sentenced Persons.

### Publications

First Annual Report of the Parole Board.

First Annual Report of the Inspector of Prisons and Places of Detention.

Annual Report for 2002 on the Operation of the Council of Europe Convention on the Transfer of Sentenced Persons.

Report of the Third Visit by the Council of Europe Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) to Ireland and the Government's Response to the Report.

## CRIMINAL AND CIVIL LAW REFORM

### High Level Goal 6

*In accordance with the Government's programme, policies and priorities:*

- *to enhance the protection of persons, property and society from criminality by progressively reforming the criminal law;*
- *to reform the civil law and, through ongoing review, to achieve a system of law that is responsive to the needs of modern society;*
- *to give the legislative effect to international instruments on criminal and civil law matters by means of primary or secondary legislation, or, where appropriate, to take the necessary administrative action.*

#### Strategy Statement 2003-2005 Objectives

- *Complete the programme of criminal and civil law reform contained in the Government Legislation Programme.*
- *Promote research, as required, into areas of the criminal and civil law and keep abreast of developments in other jurisdictions to support policy formulation and development..*
- *Ensure that the criminal and civil law is kept under review and up to date and, in this regard, that adequate systems for consultation are in place with the Department's main customers.*
- *Ensure an efficient and effective national contribution to the deliberations and achievements of the EU and other relevant international bodies in the area of criminal and civil law co-operation.*
- *Ensure an efficient and effective contribution to deliberations, both within the Department and between Departments, on matters impacting on or likely to impact on the area of civil or criminal law.*
- *Ensure an efficient and effective contribution to the deliberations of the Houses of the Oireachtas on European Union issues.*

### Progress on objectives in 2003

The criminal and civil law programmes include legislative issues relevant to this Department which have been identified in the Government's Legislative Programme, which in turn includes the commitments set out in the Agreed Programme for Government. Details of progress on the implementation of the programme in 2003 are set out below. While the Legislative Programme is a committed programme of work, it is subject to change in response to developments both at national and international level. For example, it was necessary during 2003 to obtain the approval of both Houses of the

Oireachtas for participation in a number of EU instruments in accordance with Article 29.4.6 of the Constitution; and new Oireachtas procedures were introduced for scrutiny of EU issues. Preparation for Ireland's Presidency of the EU also increased the overall legislative work programme of the Department.

#### • **Laws enacted in 2003:**

- **the Data Protection (Amendment) Act 2003 (No. 6 of 2003);**
- **the Criminal Justice (Public Order) Act 2003 (No. 16 of 2003);**



- the Criminal Justice (Illicit Traffic by Sea) Act 2003 (No. 18 of 2003);
- the Immigration Act 2003 (No. 26 of 2003);
- the Intoxicating Liquor Act 2003 (No. 31 of 2003);
- the Criminal Justice (Temporary Release of Prisoners) Act 2003 (No 34 of 2003);
- the European Arrest Warrant Act 2003 (No. 45 of 2003).

• ***Bills before the Oireachtas***

**Proceeds of Crime (Amendment) Bill 1999** (published November 1999): the Bill is designed to amend the Proceeds of Crime Act 1996 in a number of technical respects arising from the experience of the Criminal Assets Bureau in operating the Act.

**Private Security Services Bill 2001** (published January 2001): the Bill provides for the establishment of a Private Security Authority which will control and supervise providers of private security services with a view to ensuring that high standards are maintained and developed. The principal function of the Authority will be to operate a licensing system in order to control access to the sector and to maintain and improve standards within the sector.

**Criminal Justice (Terrorist Offences) Bill 2002** (published December 2002): the Bill is designed to enable the State to meet commitments undertaken as part of the international community such as compliance with the EU Framework Decision on Combating Terrorism and several UN Conventions.

**Commissions of Investigation Bill 2003** (published July 2003): the Bill provides for the establishment on a statutory basis of a new mechanism for investigating into matters of significant public concern, to be known as Commissions of Investigation. The legislation will have general application. There will not be a permanent or single investigations agency but Commissions will be established as required.

**Criminal Justice (Joint Investigation Teams) Bill 2003** (published April 2003): the purpose of the Bill is to give effect to the requirements of the EU Council Framework Decision of 13 June 2002 on Joint Investigation Teams which provides for the setting up of joint investigation teams for a specific purpose and limited period, by mutual consent, to carry out criminal investigations with a cross-border dimension in one or more of the Member States setting up the team.

**Intoxicating Liquor Act 2003** (published June 2003 and enacted July 2003): the primary purpose of this Act is to amend the Licensing Acts 1833 to 2003 in order to respond to certain recommendations of the Commission on Liquor Licensing set out in the Report on Admission and Service in Licensed Premises and the Final Report, and to concerns outlined in the Interim Report of the Strategic Task Force on Alcohol. The Act is mainly concerned with combating drunkenness and disorderly conduct as well as addressing the problems of underage and binge drinking and is intended to improve compliance with, and enforcement of, the intoxicating liquor code.

**European Arrest Warrant Bill 2003** (published July 2003 and enacted December 2003): the Act gives effect to the EU Framework Decision on the European arrest warrant. The European arrest warrant comes into operation with effect from 1 January 2004 and replaces current extradition arrangements between the EU Member States with effect from that date. Ireland's extradition arrangements with all other EU Member States, including those with the UK, operate from then on, as a result, on the basis of the European arrest warrant. Extradition arrangements with non-EU states are not affected by the new legislation.

**International Criminal Court Bill 2003** (published August 2003): the purpose of the Bill is to give effect to the provisions of the Statute of the International Criminal Court concluded at Rome on 17 July 1998, signed by Ireland on 7 October 1998 and ratified on 11 April, 2002.

### **Transfer of Execution of Sentences Bill 2003**

(published December 2003): the Bill is to give effect to the provisions in Title III, Chapter 5 of the Schengen Convention and in Article 2 of the Additional Protocol to the 1983 Council of Europe Convention on the Transfer of Sentenced Persons. It allows for the transfer of the execution of sentences where the sentenced person has fled from the sentencing state to his/her state of nationality.

### **Tribunals of Inquiry (Evidence) (Amendment) Bill 2003**

(published December 2003): the purpose of the Bill is to provide certainty as to the right of the new Chairperson of the Tribunal to Inquire into Certain Planning Matters and Payments to deal with issues relating to the award of costs following the resignation of its former Chairperson; to provide express power for a tribunal, of its own volition, to seek directions from the High Court regarding its functions, including relating to costs; and to provide an express power for the Chairperson to direct other Tribunal members to sit as separate divisions.

In addition to the above Bills prepared within the Department, the Minister also addressed during the year the **Irish Nationality and Citizenship and Ministers and Secretaries (Amendment) Bill 2003**, a Private Member's Bill introduced in the Seanad and intended to put the re-institution of a scheme of investment-based naturalisation beyond future possibility. The Government accepted the principle of the Bill and the Minister undertook to address the issue in a suitable future Government measure.

- ***Bills under preparation during 2003:***
  - **Amendments to Proceeds of Crime (Amendment) Bill to give effect to measures formerly under contemplation for a Proceeds of Corruption Bill**
  - **Communications Data Retention Bill**
  - **Criminal Justice Bill**
  - **Criminal Justice (International Cooperation) Bill**

- **Criminal Justice (Miscellaneous Provisions) Bill**
  - **Criminal Justice (Protection of Confidential Information) Bill**
  - **Crimes (Codification) Bill**
  - **DPP appeal against unduly lenient sentences in the District Court Bill**
  - **Drug Offenders Bill**
  - **Enforcement of Fines Bill**
  - **Fines Bill**
  - **Prison Service Bill**
  - **Trafficking and Child Exploitation Bill**
  - **Judicial Conduct and Ethics Bill**
  - **Immigration and Residence Bill**
  - **Defamation Bill**
  - **Contractual Obligations (Applicable Law) Bill**
  - **Dormant Funds of Suitors Bill**
  - **Coroners Bill**
  - **Landlord and Tenant (Miscellaneous Provisions) Bill**
  - **Courts (Miscellaneous Provisions) Bill.**

### **Other Developments**

- **Review processes:** An important component of effective law is that it is kept under review. The Law Reform Commission (LRC) has a specific and important role to play in this area and the Department continues to liaise closely with the LRC in relation to its work. The Department also sponsored research into a number of areas and in conjunction with relevant parties, kept under review the operation of certain legislative provisions as well as maintaining contact with relevant organisations at national and international level.
- In June 2003, the Minister launched the Report of the

**Legal Advisory Group on Defamation.** The remit of the Group, which was established in September 2002, was to focus on technical issues of a legal nature and, in particular, to take account of recent developments in other jurisdictions which had occurred since the final report of the Law Reform Commission on Defamation was published in 1991. In that context, the Group had a role in assessing the legal changes which may be required if our defamation laws are to be brought into line with those prevailing in other states. A public consultation process, to run until 31 January 2004, was then initiated. As part of that process, the Minister organised a major conference to discuss the Report on Defamation on 1 December 2003.

- **Codification of Substantive Criminal Law:** The Programme for Government includes a commitment to codify all substantive criminal law into a single Crimes Act. An Expert Group established to consider possible approaches to codification continued with their deliberations during 2003. The Group has consulted nationally and internationally as part of this process.
- The Department continued to co-operate with the Department of the Environment, Heritage and Local Government in developing a **Residential Tenancies Bill** which represents the legislative response to key elements in the Report of the Commission on the Private Rented Residential Sector. That Bill was published in May 2003.
- **The Commission on Liquor Licensing**, which was charged with reviewing the State's liquor licensing laws, presented its fourth and final report to the Minister during 2003. The Final Report, which was published in April, contained 59 recommendations on a range of issues including the licensing system, public order issues, hours of trading, registered clubs and restaurants. The report also dealt with issues such as advertising, marketing and matters relating to drinking by young people. Following on the publication of the Final Report the Minister introduced the Intoxicating Liquor Bill 2003 to respond to the Commission's more urgent recommendations.
- **Intoxicating Liquor law codification:** Work is under way on a codification of the licensing laws (Licensing Acts 1833 to 2003) as recommended by the Commission on Liquor Licensing. A steering group involving relevant bodies (the Department, the Garda Síochána, the Courts Service, the Attorney General's Office and the Revenue Commissioners) was established in March 2003 and external legal assistance secured. The steering group met on 8 occasions during 2003.

### ***Statutory Instruments made in 2003***

- **Criminal Justice Act 1994 (Section 32) Regulations 2003** (SI No. 242 of 2003): this Instrument prescribes certain bodies, as specified in Council Directive 2001/97/EC on prevention of the use of the financial system for money laundering, to be designated bodies for the purposes of section 32 of the Criminal Justice Act 1994. At the request of the Irish Financial Services Regulatory Authority (IFSRA), two additional categories - any person who provides money remittance services and administration companies providing services to collective investment schemes - have been included. Following consultation with the European Commission, designation of casinos was included in the Regulations, even though they are illegal in Ireland, in order to comply fully with the terms of the Directive. The Instrument came into effect on 15 September 2003.
- **Intoxicating Liquor Act 2003** (Commencement) Order 2003 (S.I. No. 362 of 2003): This Order commenced all sections of the Act with effect from 18 August 2003, with the exception of sections 10, 14, 15, 16(b)(ii), 19, 23 and 25; which were commenced order with effect from 29 September 2003.
- **Immigration Act 2003** (Section 8 Commencement) Order 2003 (SI No. 363 of 2003): this Order commenced section 8 (Exchange of Information) of the Immigration Act 2003 with effect from 11 August 2003.
- **Immigration Act 2003** (Commencement) Order 2003 (SI No. 414 of 2003): this Order commenced the

Immigration Act 2003 (other than sections 7 and 8 of that Act: see above and below for their commencement orders) with effect from 19 September 2003. The provisions brought into operation by this Order include provisions regarding the liability of carriers for the proper documentation of their passengers brought into the State, an updated provision to cover the entry and search of property in connection with the investigation of immigration offences under warrant issued by a District Court Judge, and restated provisions governing the removal from the State of persons refused leave to land.

- **Immigration Act 2003 (Section 7) (Commencement) Order 2003 (SI No. 415 of 2003):** this Order commenced section 7 of the Immigration Act 2003 with effect from 15 September 2003. The effect of this was to bring into operation the extensive procedural and other changes to the Refugee Act 1996 which were provided for at section 7 of the 2003 Act.
- **Criminal Justice Act 1994 (Section 32) (Amendment) Regulations 2003 (SI No. 416 of 2003):** these Regulations amend certain aspects of the Regulations under SI No. 242 of 2003 (see above) by substituting an amended version of part of the Regulation, which relates to the issue of client privilege, in place of the earlier version. The Instrument came into effect on 15 September 2003.
- **Refugee Act 1996 (Safe Countries of Origin) Order 2003 (S.I. No. 422 of 2003):** this Order lists the countries designated as safe for the purpose of prioritising applications for refugee status made by nationals of those countries under the Refugee Act 1996. The countries involved are the 10 new EU accession states and Romania and Bulgaria.
- **Refugee Act 1996 (Section 22) Order 2003 (SI No. 423 of 2003):** this Order puts in place the arrangements necessary in the State to give full effect to Council Regulation (EC) No. 343/2003. That Council Regulation sets out the rules and procedures for determining which member state of the European Union is responsible for dealing with an asylum application made in one of them. The Council Regulation also applies to Iceland and Norway. The statutory power to make this Order derives in part from section 22 of the Refugee Act 1996 following the extensive amendments to that Act made by section 7 of the Immigration Act 2003.
- **Refugee Act 1996 (Appeals) Regulations 2003 (SI No. 424 of 2003):** these Regulations supplement in detail the procedures set out in section 16 of the Refugee Act 1996 in relation to the determination by the Refugee Appeals Tribunal of appeals against recommendations of the Refugee Applications Commissioner on applications for recognition as a refugee. They take account of the amendments to the Refugee Act made by the Immigration Act 2003. They replace the Refugee Act 1996 (Appeals) Regulations 2000 (SI No. 342 of 2002).
- **Intoxicating Liquor Act 1962 (Section 9) Order 2003 (S.I. No. 442 of 2003):** this Instrument under section 9(2) of the Intoxicating Liquor Act 1962 updated the minimum guideline price for a substantial meal for the purposes of the Licensing Acts.
- **Immigration Act 2003 (Removal Places of Detention) Regulations 2003 (SI No 444 of 2003):** these Regulations specify the places where a non-national being removed from the State under section 5 of the Immigration Act 2003 following refusal of or failure to obtain leave to land may be detained.
- **Immigration Act 2003 (Approved Ports) Regulations 2003 (SI No. 445 of 2003):** these Regulations specify, under the power to make such regulations given by section 9 of the Immigration Act 2003, the ports approved for entry into the State for the purposes of the Aliens Order 1946.
- **Immigration Act 2003 (Removal Direction) Regulations 2003 (SI No. 446 of 2003):** These Regulations prescribe the form to be used by an immigration officer or a member of the Garda Síochána to give a direction in writing to a carrier to remove a person from the State under section 5 of the

Immigration Act 2003 following refusal of or failure to obtain leave to land.

- **Immigration Act 2003** (Carrier Liability) Regulations 2003 (SI No. 447 of 2003): These Regulations set out the forms of notice to be given to carriers alleged to be in breach of section 2 of the Immigration Act 2003. That section requires carriers bringing passengers into the State from outside the Common Travel Area (i.e. the UK, the Channel Islands and the Isle of Man) to ensure that on arrival in the State they are presented to an immigration officer and are in possession of proper travel documents; breach of those requirements is an offence.
- Solicitors Act 1954 (section 44) Order 2003 (SI No. 459 of 2003): this Order brings section 44 of the Solicitors Act 1954 (inserted by section 52 of the Solicitors (Amendment) Act 1994) into operation in relation to the profession of attorney and counselor at law in the state of California of the United States of America. The effect of the order is that an attorney qualified in California may be admitted as a solicitor in Ireland subject to the corresponding conditions under which solicitors whose names are on the roll may be admitted to practice in the State.
- Criminal Justice Act 1994 (Section 32) (Prescribed States or Countries) Regulations 2003 (S.I. No. 618 of 2003): these Regulations designate the Republic of Argentina, the Federal Republic of Brazil, the United Mexican States, the Russian Federation and the Republic of South Africa as states to which the customer identification requirements under section 32 of the Criminal Justice Act 1994 do not apply. The Regulations came into effect on 14 November 2003.
- European Communities (Lawyers' Establishment) Regulations 2003 (SI No. 732 of 2003): these Regulations give the force of law to Directive 98/5/EC of the European Parliament and of the European Council of 16 February 1998 to facilitate the practice of the profession of a lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

### ***Resolutions/Scrutiny of EU Business:***

#### • **Council Framework Decisions**

Resolutions in accordance with Article 29.4.6 of the Constitution were approved by both Houses of the Oireachtas approving the exercise by the State of the options or discretions provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of proposals for Council Framework Decisions on the application of the principle of mutual recognition to financial penalties, freezing assets or evidence, confiscation of crime related proceeds, instrumentalities and property and combating corruption in the private sector.

#### • **Council Decisions**

Resolutions in accordance with Article 29.4.6 of the Constitution were approved by both Houses of the Oireachtas approving the exercise by the State of the option provided by Article 1.11 of the Treaty of Amsterdam in relation to the decision on the signing of an agreement between the EU and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on mutual assistance in criminal matters between the Member States of the EU and the 2001 Protocol thereto and on the application of Schengen building aspects of extradition conventions to the Kingdom of Norway and the Republic of Iceland.

#### • **Proposals for Council Regulations**

Resolutions in accordance with Article 29.4.6 of the Constitution were approved by both Houses of the Oireachtas approving the exercise by the State of the option provided by Article 4 of the Fourth Protocol to the Treaty of Amsterdam to take part in the adoption of a proposal for a Regulation on the law applicable to non-contractual obligations (known as Rome II).

#### • **Green Paper**

The Commission Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union was scrutinised by the Joint Oireachtas Committee on Justice, Equality and Law Reform on 7 May 2003.



## Developments in European Union and International Law

In recent years work at EU level in the areas of criminal and civil law co-operation has expanded significantly and this continued in 2003 creating new demands for participation in the negotiation of EU and other international instruments, participation in various international monitoring mechanisms and the production of legislative proposals at national level to meet our international obligations. Details of instruments agreed or adopted during the year are contained in the chapter on International issues. Details of instruments under negotiation are shown below. In addition, meetings were attended and follow-up action took place in respect of the European Commission 2002 Green Papers on Alternative Dispute Resolution in civil and commercial matters and on a European Order for Payment Procedure and on measures to simplify and speed up small claims litigation. Both Green papers are likely to result in Commission proposals for legislative action during 2004.

### European Union Instruments agreed or adopted during 2003

*(Details of these are contained in the chapter on International Issues)*

### European Union Instruments under negotiation during 2003

- **Regulation of the European Parliament and the Council on the law applicable to non-contractual obligations (known as Rome II).**

This proposal was initiated in July 2003. The objective of the Regulation is to harmonise the rules on the applicable law for non-contractual obligations, both civil and commercial. This would ensure that courts in all the member States apply the same law to cross-border disputes involving non-contractual obligations (torts), thereby facilitating mutual recognition of court rulings in the European Union. Negotiations commenced in September 2003.

- **Regulation creating a European Enforcement Order for Uncontested Claims.**

Negotiations on the draft continued during 2003.

- **Negotiations between EU and USA on Agreements on Extradition and Mutual Legal Assistance.**

The European Council agreed in September 2001 that negotiations should be opened with the USA with a view to a new agreement on matters of judicial co-operation, including extradition and mutual legal assistance. Formal negotiations between the EU (represented by the Presidency) and the USA got underway in June 2002 and concluded in 2003. Procedures for ratification are under way.

- **Draft Council Decision determining which provisions of the 1995 EU Convention on simplified extradition procedure and of the 1996 EU Convention relating to extradition constitute developments of the Schengen acquis for purposes of the application of these two Conventions between the EU and Iceland and Norway.**

Negotiations on this Council Decision commenced in June 2001 and were completed in 2003. The purpose of this Decision is to associate Iceland and Norway with the application of the provisions of the Simplified Extradition Convention (1995 EU Extradition Convention) and the 1996 EU Extradition Convention which constitute a development of the Schengen acquis and which fall within the scope of the Association Agreement between the EU and Iceland and Norway.

- **Draft Council Decision with a view to concluding an agreement between the EU and Iceland, Norway on the surrender procedure between the Member States of the EU and Iceland, Norway.**

The purpose is to associate Iceland, Norway with the non-Schengen building parts of the 1996 EU Extradition Convention as well as the mechanisms of the European Arrest Warrant. Negotiations commenced and continued during 2003.

- **Draft Council Framework Decision on the execution in the European Union of confiscation orders.**

This proposal was initiated in June 2002. Negotiations continued in 2003. The aim of the instrument is to facilitate co-operation between Member States as regards the recognition and execution of confiscation orders so as to oblige a Member State to recognise and execute in its territory a confiscation order issued by a judicial authority of another Member State.

- **Draft Council Framework Decision on combating racism and xenophobia.**

Negotiations continued on an EU Framework Decision on combating racism and xenophobia during 2003

- **Draft Council Framework Decision on the application of the principle of mutual recognition to financial penalties.**

The aim of this instrument is to provide for the mutual recognition of financial penalties, mainly fines, within the European Union. The intention is that a fine imposed in one Member State can be executed and collected in another. Politically agreed during 2003.

- **Draft Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking.**

The aim of this instrument is to target illicit drug trafficking by providing a common EU definition of drug trafficking aligned to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, minimum rules in relation to punishment levels as well as liability of legal persons, and jurisdiction and prosecution. Politically agreed during 2003.

- **Draft Framework Decision on the European Evidence Warrant for obtaining objects, documents and data for use in procedure in criminal matters.**

The aim of this instrument which was published in 2003 is to apply the principle of mutual recognition to a European warrant for the purpose of obtaining

objects, documents and data for use in proceedings in criminal matters.

- **Draft Framework Decision on the application of the "ne bis in idem" principle.**

The aim of this instrument is to provide Member States with common legal rules in order to ensure uniformity in both the interpretation and practical implementation of the "ne bis in idem" principle (i.e. that no person should be tried twice for the same crime). It proposes to repeal Arts. 54-58 of the Schengen Convention upon its entry into force.

- **Draft Framework Decision on the execution in the European Union of orders freezing assets or evidence.**

The Draft Framework Decision seeks to implement the principle of mutual recognition by allowing as far as possible for the execution of a foreign freezing order with the minimum number of pre-execution checks by the executing state. Adopted in July 2003.

### Other International Matters

- **Council of Europe Draft Protocol to Criminal Law Convention on Corruption.**

The Protocol extending the provisions of the Convention to arbitrators and members of juries was signed on 15 May 2003.

- **OECD: Evaluation of Ireland by Working Group on Bribery in International Business Transactions.**

The Working Group on Bribery in International Business Transactions completed its evaluation of Ireland under Phase 1 of the process of self and mutual evaluation by which it monitors Member States in respect of the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions during 2002. The recommendations arising from the evaluation were published during 2003. Also, ratification procedures for this Convention were completed in 2003.

- **United Nations: Ad-Hoc Committee for the Negotiation of a Convention against Corruption.**

Negotiations were completed and the Convention against Corruption was signed in December 2003.

- **Convention drawn up on the basis of Article K (3)(2)(c) of the Treaty on European Union on the fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union.**

Ratification procedures completed in 2003.

- **Criminal Law Convention on Corruption drawn up under the auspices of the Council of Europe.**

Ratification procedures completed in 2003.

- **Hague Conference on Private International Law: Draft Convention of exclusive choice of court agreements in civil and commercial matters**

Significant progress was made in the negotiations on the draft Convention at meetings which took place in the Hague during 2003.

- **Hague Conference on Private International Law: Special Commission on the International Recovery of Child Support and Other Forms of Family Maintenance**

The first meeting of the Special Commission was held from 5 to 16 May 2003 during which discussions on a possible new instrument took place. A drafting Committee was established to prepare a preliminary draft of a new Convention for the next session of the Special Commission.

### **Bilateral Agreements/Treaties**

- **Ireland-USA Treaty on Mutual Legal Assistance in Criminal Matters.**

This Treaty was signed in Washington D.C. on 18 January 2001 and is currently awaiting ratification.

- **Bilateral agreement with the United Kingdom on mutual assistance in criminal matters.**

Constitutional formalities remain to be completed before the Agreement can be implemented.

- **Bilateral agreement with the United Kingdom**

**regarding the extension of the 1959 Council of Europe Convention on mutual assistance in criminal matters to the Isle of Man.**

The procedures to implement the agreement are underway. Amending legislation to allow for the agreement to be ratified is being included in the Criminal Justice (International Co-operation) Bill which is under preparation.

- **Bilateral agreement between Ireland and Hong Kong Special Administrative Region on Mutual Legal Assistance in Criminal Matters.**

Amending legislation to allow for the agreement to be ratified is being included in the Criminal Justice (International Co-operation) Bill which is under preparation.

- **Proposed Bilateral agreement with the United Kingdom regarding the extension of the 1959 Council of Europe Convention on mutual assistance in criminal matters to the Bailiwick of Guernsey.**

Amending legislation to enable any such agreement to be entered into will be included in the Criminal Justice (International Co-operation) Bill which is under preparation.

- **Bilateral Agreement between Ireland and Canada on Extradition.**

Agreement close to finalisation.

- **Bilateral Agreement between Ireland and Argentina on mutual assistance in criminal matters and extradition.**

At preliminary stage of consideration.

### **Central Authorities for international child abduction and maintenance recovery**

In addition to its role as a substantial contributor to the Department's programme of law reform, the Civil Law Reform Division operates the Central Authorities for international child abduction and maintenance recovery.



## Child Abduction

The Central Authority in the Department operates under the Child Abduction and Enforcement of Custody Orders Act 1991. The Act gives the force of law in Ireland to the Hague and Luxembourg Conventions:

- *The Hague Convention on the Civil Aspects of International Child Abduction* is designed to ensure the immediate return of children who have been removed from one contracting state to another—usually by a parent in defiance of the wishes of the other parent. It is based on the principle that the custody of a child should be decided by courts in the state in which the child habitually resides.
- *The European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (the Luxembourg Convention)* is designed to ensure that custody and access orders granted in one contracting state are recognised and enforced in other contracting states. Recognition and

enforcement disputes usually arise when one parent removes a child from one state to another in defiance of a court order granting custody or access rights to the other parent.

When a child's removal from the State to a convention country comes within the terms of either Convention the Irish Central Authority liaises with its counterpart in that country with a view to having the child returned either voluntarily or following court proceedings in that country. The Irish Central Authority provides similar assistance to a foreign applicant whose child has been removed to the State, including arranging with the Legal Aid Board for the provision of legal aid.

The Child Abduction and Enforcement of Custody Orders Act 1991 came into operation in October 1991. In the period between then and December 2003, the total number of cases which have been the subject of applications to the Central Authority is 931 and the number of children involved is 1,555.

### Outcome of cases in 2003

	Incoming	Outgoing	Total
<i>Court ordered return</i>	11	13	24
<i>Court refused return</i>	1	3	4
<i>Voluntary return/settled by consent</i>	14	7	21
<i>Withdrawn</i>	8	8	16
<i>Access order registered</i>	1		1
<i>Awaiting resolution</i>	17	7	24
<i>Application refused</i>	2	1	3
<b>Total</b>	<b>54</b>	<b>39</b>	<b>93*</b>

\*Includes 28 cases carried forward from 2002

**Breakdown of new cases by Contracting State - 2003**

<b>Country</b>	<b>Incoming</b>	<b>Outgoing</b>	<b>Total</b>
<i>Australia</i>	<i>5</i>	<i>1</i>	<i>6</i>
<i>Canada</i>	<i>1</i>	<i>-</i>	<i>1</i>
<i>Denmark</i>	<i>1</i>	<i>-</i>	<i>1</i>
<i>England &amp; Wales</i>	<i>21</i>	<i>16</i>	<i>37</i>
<i>France</i>	<i>1</i>	<i>1</i>	<i>2</i>
<i>Germany</i>	<i>1</i>	<i>2</i>	<i>3</i>
<i>Isle of Man</i>	<i>1</i>	<i>-</i>	<i>1</i>
<i>Israel</i>	<i>1</i>	<i>-</i>	<i>1</i>
<i>Netherlands</i>	<i>3</i>	<i>-</i>	<i>3</i>
<i>Spain</i>	<i>2</i>	<i>3</i>	<i>5</i>
<i>Sweden</i>	<i>1</i>	<i>-</i>	<i>1</i>
<i>USA</i>	<i>3</i>	<i>2</i>	<i>5</i>
<b>Total</b>	<b>41</b>	<b>25</b>	<b>66</b>

**Maintenance recovery**

The Maintenance Act 1994, which came into effect on 25 November 1995, enabled the State to ratify the 1956 United Nations Convention on the Recovery Abroad of Maintenance which operates in over 50 countries including all EU countries, Australia and New Zealand. Although the United States is not party to any multilateral conventions of this nature, Ireland concluded a separate bilateral arrangement with them on a federal basis on 10 September 1997. The USA is declared a designated jurisdiction for the purposes of part 3 of the Maintenance Act 1994.

Under the UN Convention, Contracting States co-operate with one another to assist maintenance creditors in one Contracting State to recover monies due from debtors residing in another Contracting State. All appropriate steps are taken, including the institution of court proceedings, to recover monies due.

Under the EU Brussels Convention and the Lugano Convention, simplified procedures are also in place

whereby maintenance orders made in one Contracting State can be enforced in another Contracting State under those Conventions.

The Central Authority discharges the functions required of it under the Maintenance Act 1994 by, inter alia, providing assistance on the completion of the necessary forms, transmitting the application to the Central Authority in the country where the maintenance debtor resides and by seeking assistance in locating the maintenance debtor.

**Applications Received from 25 November, 1995 to 31 December 2003**

<i>Year</i>	<i>Incoming*</i>	<i>Outgoing*</i>	<i>Total</i>
1996	5	14	19
1997	16	17	33
1998	21	8	29
1999	22	15	37
2000	21	17	38
2001	14	20	34
2002	30	18	48
2003	26	21	47
	155	130	285

\* Incoming: maintenance creditor resides outside the State; Outgoing: maintenance creditor resides in the State.

## HUMAN RIGHTS

### High Level Goal 7

***To implement the Human Rights Commitments in the Good Friday Agreement and the ongoing review and revision of human rights aspects of criminal law and practice principally insofar as the Department's sphere of responsibilities are concerned.***

#### Strategy Statement 2003-2005 Objectives

- *Following the enactment of the Human Rights Commission Acts, 2000 and 20001, and in accordance with the provisions of those Acts, ensure the complete operational establishment of the Human Rights Commission -*
  - *(a) to enable it to implement fully the commitment in the Good Friday Agreement, and*
  - *(b) to fulfil the Government's commitment that the Commission will be a model for others to follow as an institution which will set rather than follow standards of best international practice in the promotion, protection and development of human rights in the State, in an all Ireland context and internationally in association with other rights based organisations.*
- *Fulfil the commitment to give further effect to the provisions of the European Convention on Human Rights.*
- *Ensure that the human rights aspects of criminal law and practice are kept under review and up to date and in particular that channels of communication are established with the Human Rights Commission.*

#### Progress on objectives in 2003

- The Human Rights Commission is the independent national human rights institution in Ireland which was established under the Human Rights Acts 2000 and 2001 in line with a commitment in the 1998 Good Friday Agreement. The Minister for Justice, Equality and Law Reform has certain statutory functions under those Acts, particularly with regard to financial and staffing issues affecting the Commission, as well as matters connected with and arising from the Commission's Reports to the Minister and the Government. During 2003 the Department took all appropriate action in accordance with those statutory obligations.
- The Commission's budget for 2003 was €1.28m. However, the Department secured an additional once-off payment of €536,000 to assist it in the acquisition of its new premises. The Taoiseach, Mr. Bertie Ahern, T.D., formally opened the Commission's new permanent office accommodation in Jervis House, Jervis Street, Dublin 1 in December 2003.
- The European Convention on Human Rights Act 2003 was enacted in June 2003 and came into operation on 31 December 2003. It provides for the giving of further effect to the provisions of the European Convention on Human Rights in domestic law. Like the establishment of the Human Rights Commission mentioned in the previous section, this measure also has its origins in the 1998 Good Friday Agreement. The Act takes account of the fact that Ireland has a written Bill of Rights in the 1937 Constitution coupled with a highly developed system of judicial review which can strike down laws for constitutional infirmity. It provides the strongest form of incorporation of the European Convention on Human Rights consistent with constitutional principles.
- Work in relation to the publication of the Garda Síochána Bill 2004 was at an advanced stage by the

end of 2003. The Bill, in addition to other matters connected with the administration and functions of the Garda Síochána, includes proposals for the establishment of an independent body to be known as the Garda Síochána Ombudsman Commission. The primary function of the new body will be to investigate complaints by members of the public against members of the Garda Síochána and in that respect it will replace the Garda Síochána Complaints Board

which was established under the Garda Síochána Complaints Act 1986.

- The Criminal Law (Insanity) Bill 2002 completed Second Stage in Seanad Éireann in early 2003. The purpose of the Bill is to provide an appropriate framework to govern the criminal responsibility of mentally ill persons who may have committed offences. The Bill was awaiting Committee Stage in Seanad Éireann at the end of 2003.

## EUROPEAN UNION and INTERNATIONAL

### High Level Goal 8

*To increase the public's security and promote the development of a more equal society through our participation in EU and other international initiatives and programmes that influence our ability to tackle crime, law reform, equality and asylum and immigration strategies.*

#### Strategy Statement 2003-2005 Objectives

- *Ensure that the Department is well placed to successfully lead and manage the Presidency workload in all areas of its EU responsibilities.*
- *Contribute to the deliberations of the Convention on the Future of Europe.*
- *Continue to participate in the development and implementation of European Union and other international policy in relation to drug misuse and organised crime and also crime prevention.*
- *Ensure effective national contribution and participation in the deliberations of the EU in the areas of judicial co-operation in civil and criminal matters and in other international bodies such as the UN and the Council of Europe.*
- *In the area of human rights, equality and discrimination, ensure effective national contribution and participation in the deliberations of the European Union and EU bodies such as ECRI (European Commission against Racism and Intolerance) and EUMC (European Union Monitoring Centre on Racism and Xenophobia) and other relevant international bodies such as Council of Europe and the UN.*
- *Ensure that the State's arrangements on migration, asylum and related policy issues are developed and represented in harmony with our partners in the EU, Council of Europe and other relevant international groupings.*
- *Support our policing commitments at international level.*
- *Implement obligations arising in relation to the Schengen acquis on foot of the EU Council Decision in February 2002 approving Ireland's application to participate in aspects of the acquis.*

#### Progress on objectives in 2003

- Justice and Home Affairs (JHA) matters formed an increasingly significant proportion of the EU's day-to-day agenda during 2003. Significant advances were made in the development of an area of freedom, security and justice, in accordance with the provisions of the Treaty of Amsterdam and with the priorities specified in the Tampere European Council Conclusions (1999). This was particularly important given the 2004 Amsterdam and Tampere deadlines. EU matters increasingly influenced the priorities of the

Department, particularly in the latter half of 2003, as preparations for Ireland's Presidency of the EU, due to take place from January to June 2004, intensified.

- In accordance with the European Union (Scrutiny) Act 2002 and the Oireachtas scrutiny guidelines, the Department has been involved in facilitating increased scrutiny of EU business by the members of the Oireachtas. This includes providing briefing to the Oireachtas either prior to or after the Justice and Home Affairs Council. During 2003, the Department provided three pre-Council briefings and three

- post-Council briefings to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights. The arrangements also involve providing information notes on all new EU legislative measures involving this Department, covered by the Oireachtas scrutiny arrangements, to the Oireachtas Sub-Committee on European Scrutiny. The Department submitted 30 information notes to the Sub-Committee and as part of the scrutiny process briefed the Joint Committee on Justice, Equality and Women's Rights on four occasions and the Joint Committee on Enterprise and Small Business and the Joint Committee on Social and Family Affairs on one occasion each on individual measures.
- In addition a number of Framework Decisions were brought before both Houses of the Oireachtas for approval in accordance with the provisions of Article 29.4.6 of the Constitution. Oireachtas approval was also sought in a number of cases to allow for the exercise of Ireland's right to opt-in to measures under Title IV of the Treaty establishing the European Community which relate to free movement of persons.
  - Officials from the Department continued to participate in the work of approximately thirty Council Working Groups and Committees up to and including the Justice, Home Affairs and Civil Protection Council and in the development of the legislative and administrative measures to give effect to Decisions of the Council of the European Union. During the latter half of 2003, Department officials represented the future Irish Presidency at JHA Troika meetings with the Italian Presidency, the Commission and the Council Secretariat.
  - In addition to involvement in EU matters, officials of the Department participated in meetings at the Council of Europe, the UN and the OECD.
  - Following Council approval, in 2002, of the Decision on Ireland's request to take part in elements of the Schengen acquis, work continued on the administrative and legislative measures necessary to give effect to Ireland's obligations under this Decision.
  - The Irish Presidency of the EU, due to commence in January 2004, greatly influenced the Department's work programme for 2003.
  - Arrangements were put in place to increase co-operation and co-ordination throughout the Department to ensure an efficient and effective Presidency. An internal Department Group was established to carry out a central co-ordination role within the Department.
  - Presidency priorities and preliminary agendas for the Council Working Groups and Committees up to and including the Justice, Home Affairs and Civil Protection Council were drafted.
  - A logistics unit was established within the Department to manage and organise the JHA and Equality Presidency events due to take place throughout Ireland during the first half of 2004. These include the informal JHA Council, the informal Article 36 Committee meeting, the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) informal meeting and numerous conferences and other events.
  - The Department provided material on the JHA and Equality agenda for the Programme of the Irish Presidency of the EU, for the Annual Operating Programme 2004 and for the Multi-annual Strategic Programme 2004-2006. The latter was prepared in conjunction with the five future Presidencies of the EU for the period January 2004 to December 2006.
  - Detailed planning in conjunction with senior members of the Garda Síochána and officials from the Department of Foreign Affairs and other Government Departments in relation to various policing matters for the hosting of the EU Presidency commenced in 2003.
  - The European Convention held its final plenary session on 10 July 2003 and completed its work on a draft Constitutional Treaty. On 18 July the full text of the draft Treaty was officially handed over to the Italian Presidency by the Chairman of the Convention, Mr Giscard d'Estaing. The work by the Department in relation to the Convention therefore concluded.



However, discussions and negotiations within the framework of the Inter-Governmental Conference convened by the Italian Presidency required the Department to continue to devote resources at a senior level to consideration of the draft Constitutional Treaty.

- The Department continues to participate in the development and implementation of European Union and other international policy in relation to drug misuse and organised crime and crime prevention. The Department, inter alia, attends meetings of the following:

- The EU Multi-Disciplinary Group on Organised Crime;
- The EU Horizontal Working Party on Drugs;
- The UN Commission on Narcotic Drugs; and
- The UN Commission on Crime Prevention and Criminal Justice.

- Work continued on ensuring efficient and effective national contribution to the deliberations and achievements of the EU and other relevant international bodies in the area of criminal and civil law co-operation

- In the area of equality and human rights, Ireland continued to participate in a proactive manner in the deliberations of the European Union and EU bodies such as ECRI (European Commission against Racism and Intolerance) and EUMC (European Monitoring Centre on Racism and Xenophobia) and other relevant bodies such as the Council of Europe and the UN.

- During 2003, Ireland continued to participate in a proactive manner in discussions at EU level on a number of legislative instruments in the area of asylum. The proposals in question were:

- A proposal for a Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (the "Asylum Qualification Directive").
- An amended proposal for a Directive on minimum

standards on procedures in Member States for granting and withdrawing refugee status (the "Asylum Procedures Directive").

- Two important Council legislative instruments in the area of asylum were also adopted in 2003, namely:

- A Directive laying down minimum standards on the reception of applicants for asylum in Member States, the purpose of which is to set down minimum standards for reception conditions for applicants for asylum in all EU States. This Directive was adopted on 27 January 2003.

- A Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States of the EU by a third country national was adopted on 18 February 2003 and came into force on 1 September 2003.

- The Eurodac Regulation for the comparison of fingerprints for the effective application of the Dublin Convention came into operation on 15 January 2003 including the commencement of the Eurodac Central Fingerprinting Unit. The Eurodac system proved during 2003 to be a successful mechanism for assisting in determining the EU State responsible for examining an asylum application lodged by a third country national in a Member State.

All of these proposals in the field of EU asylum law, in addition to proposals already agreed, are aimed at the development of a Common Asylum Policy for the European Union.

- During 2003, Ireland continued to participate in a proactive manner in discussions at EU level on a number of legislative instruments in the immigration and asylum area, thereby ensuring our arrangements are developed in harmony with our partners in the EU and other international fora.
- Ireland's position at the Europol Management Board and Europol Working Group was effectively managed during 2003.

## Other developments

### Police Co-operation

- A Council Decision was adopted on the investigation and prosecution of genocide, crimes against humanity and war crimes. The aim of the Council Decision is to improve co-operation between national agencies responsible for immigration and law enforcement services to enable effective co-operation to take place between the Member States authorities in the investigation and prosecution of genocide, crimes against humanity and war crimes.
- The Council adopted an Act drawing up a Protocol amending the Customs Information System Convention as regards the creation of a customs files identification database.
- An Operational project entitled "Multinational ad hoc teams for exchanging information on terrorists – start of activities" was approved. These teams will consist of specialists from the authorities responsible for fighting terrorism with the specific task of carrying out investigations into alleged members of terrorist groups and support networks.
- Political agreement was reached on the draft Agreement between Europol and the Russian Federation. The purpose of this Agreement is to enhance co-operation in combating serious forms of transnational crime between the Russian Federation and the Member States of the EU.
- The Council authorised the Director of Europol to start negotiations with Malta leading to an Agreement including the transmission of personal data by Europol and Malta. The Council also authorised the Director of Europol to conclude agreements with Lithuania, Latvia, Romania and Colombia.
- An Act was adopted drawing up a Protocol amending the Convention on the Establishment of a European Police Office (Europol). The purpose of this

Protocol is to amend the Europol Convention to provide for further enhancements of the Convention in a wide range of areas relating to, inter alia, the objectives and tasks of Europol, the question of Europol dealing with national law enforcement agencies through the centralised national units or by direct contact and co-operation with Eurojust.

### Judicial Co-operation in Criminal Law Matters

A number of legislative proposals were adopted or agreed upon during the year. The main legislative measures adopted included:

- The JHA Council agreed the text of the EU-USA Agreements on extradition and mutual legal assistance. The Agreements were signed at the EU-USA Summit on 25 June 2003. They will supplement bilateral agreements between the US and EU Member States. The Agreements provide for improved channels of communication, simplified transmission arrangements, revised arrangements for authentication of documents, establishment of joint investigation teams and arrangements for tracing bank accounts. They also provide for the necessary guarantees for the protection of human rights and fundamental freedoms and respect the constitutional principles of the Member States. Conclusion of the Agreements will take place once the Member States and the USA have complied with their ratification procedures.
- An Agreement between the EU and Iceland and Norway on mutual assistance in criminal matters was adopted. This Agreement applies the non-Schengen elements of the EU 2000 Convention on Mutual Legal Assistance and its 2001 Protocol to Iceland and Norway. The Agreement was formally signed on 19 December 2003.
- A Framework Decision on Combating Sexual Exploitation of Children was adopted by the Council. The primary objective of this measure is to ensure that there are no safe havens for child sex offenders suspected of having committed an offence in a country other than their own. It also addresses the

problem of child pornography on the Internet so as to make clear the EU's determination to implement common provisions in this field and to contribute towards providing Internet users with a safe and crime free environment.

The main legislative measures where the JHA Council reached agreement during 2003 include the following:

- A common approach was reached on a draft Framework Decision on attacks against information systems. This measure will address forms of crime that are a menace to electronic information systems. The Framework Decision will require Member States to provide for criminal sanctions for cases of illegal access to information systems and illegal interference with systems and data.
- The Council reached a general approach on the draft Framework Decision on the application of the principle of mutual recognition to financial penalties. This measure will give rise to the recognition and enforcement throughout the European Union of financial penalties imposed by judicial and administrative authorities.
- Agreement was reached on the draft Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking. The objective of the draft Framework Decision is to target illicit drug trafficking by providing a common EU definition of drug trafficking and for minimum rules in relation to punishment levels, as well as liability of legal persons, jurisdiction and prosecution.

### Judicial Co-operation in Civil Law Matters

Within the civil law area work continued on a number of legislative proposals. During 2003, the Council adopted one such proposal:

- The Council adopted the draft Regulation concerning jurisdiction and the recognition and enforcement of judgements on matrimonial matters and in matters of parental responsibility. The purpose of this proposal is to bring together in a single instrument

the provisions on matrimonial matters and matters of parental responsibility.

### Organised Crime

An EU conference on the topic of organised crime was held in Dublin in November, 2003. The theme of the conference was tackling organised crime in partnership. The conference brought together more than 300 public and private sector representatives from over 30 countries, governmental organisations, non-governmental organisations, industry associations and universities. The outcome declaration is known as the Dublin Declaration and this contains 10 recommendations for action.

### Peacekeeping

The Garda Síochána continued to contribute to International Peacekeeping operations in 2003. Twenty members of the Garda Síochána served with the United Nations Force in Cyprus (UNFICYP) mission in Cyprus during 2003. Three Garda members commenced service with the European Union Police Mission (EUPM) in Bosnia on 1 January 2003. This was the first ever civilian crisis management mission conducted exclusively by the EU.

### Asylum and Immigration issues

During 2003, Ireland continued to participate in a proactive manner in discussions at EU level on a number of legislative instruments in the immigration and asylum area. A number of legislative proposals were adopted or agreed upon during the year. The main legislative measures adopted or agreed in the immigration and asylum area included:

- The Council adopted the Directive on the right to family reunification which had been under discussion for three years. The Directive establishes the right of legally resident third country nationals to be joined by their families and is the first instrument to be agreed by the Community in the area of legal migration.
- The Council Directive on assistance in areas of transit for the purposes of removal by air was

adopted. This Directive will oblige participating States to provide each other with a range of assistance measures in cases of transit for the purposes of expelling by air transport illegally resident third country nationals who are the subject of expulsion orders in Member States.

- The Directive concerning the status of third-country nationals who are long term residents was adopted. The purpose of the Directive is to grant certain rights to third-country nationals who have legally resided for five years in the territory of a Member State. These rights include approximate treatment with EU nationals in the areas of access to the labour market, social housing, access to education, social welfare and public health services.
- The Council also adopted a programme of measures to combat illegal immigration across the maritime borders of the Member States of the European Union.
- At the European Council held in Thessaloniki in June, Council Conclusions were adopted on the development of a common policy on illegal immigration, external borders, the return of illegal migrants and co-operation with third countries. The Conclusions proposed a framework of action in areas such as visas, the management of the external borders, the return of illegal migrants, partnership with third countries and community financial resources and burden-sharing. Within the asylum area, the Council Conclusions focussed on the establishment of a Common Asylum System as called for at the Tampere European Council and reiterated at the Seville Council. Emphasis was placed on the importance of establishing a more efficient asylum system in the EU.
- The JHA Council reached agreement on the Regulation creating an immigration liaison officers network. The immigration liaison officer, who would be a representative of one of the Member States, would be posted abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the

host country with a view to contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration.

- Agreement was reached on the Council Directive on the residence permit issued to victims of trafficking in human beings or to third country nationals who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities.
- In the area of repatriation, the Council attained agreement on two proposals. These were a Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Council Directive 2000/140/EC on the mutual recognition of decisions on the expulsion of third country nationals, and a Council Decision on the organisation of joint flights
- The Council reached agreement on two proposals laying down a uniform format for visas and residence permits for third country nationals. These proposals seek to enhance further the security of documents through the introduction of biometric identifiers.

The Treaty of Amsterdam established a Community competence for immigration and asylum; and the European Council meeting in Tampere in 1999 agreed that "the separate but closely related issues of asylum and migration call for the development of a common EU policy" as part of the objective of creating an "area of freedom, security and justice" within the EU. During the year, the Department was involved in discussions on these matters at a number of EU Working Parties as well as in the Strategic Committee on Immigration, Frontiers and Asylum and the High Level Working Group on Asylum and Migration.

Ireland's participation in these measures is in accordance with the fourth protocol to the Treaty of Amsterdam and takes account of the importance of maintaining the Common Travel Area arrangements with the United Kingdom.

The main legislative proposals discussed in the area of immigration during 2003 included:

- Proposal for a Council Regulation establishing a European Agency for the Management of Operational Co-operation at the External Borders.
- Proposal for a Council Directive concerning the status of third-country nationals for the purpose of employment and self-employed activities.
- Proposal for a Council Regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas.
- Proposal for a Council Regulation amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.
- Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of studies.
- Proposal for a Council Directive on the right to family reunification.
- Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents.
- Proposal for a Council Directive on the short term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who co-operate with the competent authorities.
- Proposal for a Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
- Proposal for a Council Regulation on the creation of an Immigration Liaison Officer's network.
- Programme of measures to combat illegal immigration across the maritime borders of the Member States of the European Union.

### **Council of Europe Committee on Migration (CDMG).**

During 2003, the Department continued to participate in the work of the Council of Europe Committee on Migration (CDMG).

### **European Migration Network**

During 2003, Ireland actively participated at meetings of the European Migration Network which is chaired by the European Commission. The purpose of the European Migration Network is to meet the information needs on migration and asylum of Community Institutions, Member States and, in the longer term, of the general public. This is done by building up a systematic basis for monitoring and analysing the multidimensional phenomenon of migration and asylum at EU level.

### **Asia Europe Meeting (ASEM)**

The Department was represented at the ASEM meeting of Asian and European Directors General with responsibility for migration which took place in Beijing in November 2003.

### **UNHCR**

During 2003, the Department continued to participate at discussions on refugee protection issues under the aegis of the United Nations High Commissioner for Refugees (UNHCR), including the Convention Plus Initiative which arose from the Agenda for Protection. Convention Plus is an international effort initiated and co-ordinated by the UNHCR, the aim of which to improve refugee protection world-wide and to facilitate the resolution of refugee problems through multilateral special agreements.

### **Inter-Governmental Consultations (IGC)**

During 2003, the Department actively participated in discussions on migration and asylum issues in other international fora, including the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC). The IGC is an informal, non-decision-making forum for inter-governmental information exchange and policy debate on all issues of relevance to the management of international migratory flows.



## NORTHERN IRELAND

### High Level Goal 9

**To contribute to the establishment of partnership, equality and mutual respect within Northern Ireland, between North and South and between these islands.**

#### Strategy Statement 2003-2005 Objective

- *Further the peace process, with emphasis on those matters for which the Department has particular responsibility.*

#### Progress on objective in 2003

- In 2003, the Department continued to progress implementation of those Government commitments under the Good Friday Agreement for which it bears primary responsibility. In particular:
  - the Department continued to liaise closely with the Independent International Commission on Decommissioning (IICD);
  - the Department continued to participate in the institutions established under the Good Friday Agreement. Many of the matters falling within the competence of the British-Irish Council (BIC) and, in particular, the British-Irish Intergovernmental Conference (BIIGC), come within the Department's remit. These include the areas of human rights, justice, prisons, policing, drugs and drug trafficking, cross-border security co-operation and the normalisation of security arrangements;
  - on 25 November 2003 the Minister for Justice, Equality and Law Reform, on behalf of the Government of Ireland, signed an Inter-Governmental Agreement to establish the Independent Monitoring Commission. The Agreement provides the framework in international law for the body envisaged in the Agreement on Monitoring and Compliance published by both Governments on 1 May 2003. The Independent Monitoring Commission Act 2003 was signed into law in December 2003. The Commission's role is to report on paramilitary activity, security normalisation and participation in the political institutions of the state.
- Work continued on progressing the implementation of recommendations of the report of the Victims' Commission "A Place and a Name" which conducted a review of the services and arrangements in place in this jurisdiction to meet the needs of those who have suffered as a result of violent action associated with the conflict in Northern Ireland. In this regard, on 29 October 2003 the Minister appointed a Commission to administer a Scheme of Acknowledgement, Remembrance and Assistance for Victims of the Northern Ireland Conflict in this Jurisdiction. The Commission will be responsible for the administration of a Remembrance Fund, in accordance with the above Scheme. Categories of payment to be made by the Commission include:
  - (i) acknowledgement payments of €15,000 to each of the bereaved families of persons who either (a) were fatally injured in this jurisdiction or (b) were resident in this jurisdiction at the time of their death;
  - (ii) lump sums to spouses and dependent children of victims fatally injured in this jurisdiction or resident here at the time of their death; and any injured victim, subject to conditions, of amounts not exceeding €15,000 per applicant;
  - (iii) unless already covered by payments under the previous category, unmet and continuing medical costs to cover vouched medical expenses, including home help expenses, not already paid by

some other body or State agency;

(iv) relocation payments of up to €15,000, subject to certain conditions, to bereaved families or injured persons who have had to move residence as a direct consequence of the conflict in Northern Ireland; and

(v) the payment, by the Commission, at the request of the Minister for Justice, Equality and Law Reform and at the recommendation of the Taoiseach of a grant to the Northern Ireland Memorial Fund of such amount as may be specified in that request.

(vi) payments for the provision of counselling services to victims and their families.

- The Department continued to assist the Independent Commission of Inquiry into the Dublin, Monaghan and Dundalk bombings which presented its report on the Dublin and Monaghan bombings of 1974 to the Taoiseach in late 2003. The Report was referred for consideration to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights.
- Following agreement reached between the British and Irish Governments at Weston Park in 2001, Mr. Justice Peter Cory, a retired Canadian Supreme Court judge, was appointed to undertake a thorough investigation of allegations of collusion between British and Irish security forces and paramilitaries in six particular cases in Northern Ireland. The six cases involved were the killings of:

(i) Mr. Pat Finucane;

(ii) Mr. Robert Hamill;

(iii) Ms. Rosemary Nelson;

(iv) Mr. Billy Wright;

(v) Chief Superintendent Harry Breen and Superintendent Bob Buchanan, both of the then Royal Ulster Constabulary (RUC); and

(vi) Lord Justice Gibson and Lady Gibson.

The first four cases related to allegations of collusion by British security forces; the other two cases related to allegations of collusion by the Garda Síochána. Mr. Justice Cory delivered two reports to the Irish Government in October, 2003. Redacted versions of these reports were published in December, 2003.

- The Good Friday Agreement provided for a wide-ranging review of the criminal justice system in Northern Ireland (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others". The stated aims of the subsequent Review of the Criminal Justice System in Northern Ireland (CJR) were to:
  - Deliver a fair and impartial system of justice to the community;
  - Be responsive to the community's concerns, and encourage community involvement where appropriate;
  - Have the confidence of all parts of the community; and
  - Deliver justice efficiently and effectively.

The Review, published in March 2000, contained a substantial number of recommendations in relation to, inter alia, structured co-operation between the British and Irish Governments and between the relevant agencies North and South on criminal justice matters with a view to both the enhancement of existing areas of co-operation and the development of new areas.

A joint group of policy makers, North and South (itself a CJR recommendation) was established in an ad hoc basis and held meetings through the year. The Group has taken forward the drafting of an Intergovernmental Agreement on Structured Co-operation on Criminal Justice Matters and an associated work programme.



### Other developments

The list of Statutory Regulations made in 2003 include the Decommissioning Act 1997 (Decommissioning) (Amendment) Regulations 2003 and the Decommissioning Act 1997 (Decommissioning) (Supplementary) (Amendment) Regulations 2003 (S.I. Nos. 69 and 70 of 2003): these regulations extended to 26 February 2004 the expiry date of the Decommissioning Act 1997 (Decommissioning) Regulations 1998 and the Decommissioning Act 1997 (Decommissioning)

(Supplementary) Regulations 2001 respectively, thus continuing in force the legislative basis for decommissioning.

Resolutions were passed by both Houses of the Oireachtas in June 2003 extending the operation of Sections 2 to 12, 14 and 17 of the Offences Against the State (Amendment) Act 1998 for a twelve month period ending 30 June 2004, thus continuing those provisions that were enacted in the aftermath of the Omagh bombing.

## ASYLUM, IMMIGRATION & CITIZENSHIP

### High Level Goal 10

*To provide the framework for ensuring that asylum, immigration and citizenship policies respond to the needs of immigrants, asylum seekers and our society and are in line with the best international practices and standards in the area.*

#### Strategy Statement 2003-2005 Objectives

- *Develop immigration policy and bring forward comprehensive new immigration legislation within a structured framework.*
- *Implement the Government's asylum strategy in order to deliver more speedy decisions in relation to applications for refugee status, process to finality the asylum applications currently on hand and increase the rate of repatriation of failed asylum applicants whose applications have been processed to finality in order to maintain the integrity of the asylum process.*
- *Process applications for visas, permission to remain in the State, naturalisation and other facilities covered by aliens, nationality and citizenship legislation as promptly as resources allow and provide an adequate public information service on these matters.*
- *Provide a responsive and effective capacity to combat trafficking in human beings and illegal immigration in terms of actions both domestically and internationally.*
- *Continue to provide and support the necessary structures, including the necessary legislative base, for the asylum and immigration areas having due regard to best international practice.*
- *Provide the necessary support framework, including the development of the Reception and Integration Agency, for meeting the reception and accommodation needs of asylum seekers and the integration of refugees into Irish society.*

#### Progress on objectives in 2003

- The elements of the framework for the development of an immigration and residence bill were completed. Work on the development of the specification for the bill continued.
- During 2003, the Department continued to implement the Government's asylum strategy aimed at achieving:
  - Greatly increased processing capacity to deliver more speedy decisions in relation to applications for refugee status leading to the completion to finality of the processing of all new asylum applications within a six month period.
  - Dealing with the increased numbers of repatriations arising in respect of persons who do not qualify for refugee status.
- In relation to deportations and voluntary returns, the power to deport is vested in the Minister under Section 3 of the Immigration Act, 1999. The number of deportation orders made and effected and the number of persons returning voluntarily before deportation orders are made in respect of them have steadily increased since the enactment of the Immigration Act, 1999, as can be seen from the table below.

In the same five year period a further 67 persons are known to have left the State before their deportation

Year	Deportation Orders Made	Persons Deported	Returned Voluntarily
1999	102	6	37
2000	940	187	248
2001	2025	365	365
2002	2430	521	506
2003	2425	590	762

orders could be enforced. In the same period 4,961 persons have evaded deportation or are no longer residing at their last known address. It is not known how many of these, if any, are still in the State.

- Bi-lateral re-admission agreements with Romania (169), Bulgaria (11), Poland (41) and Nigeria (23), continue to be implemented, with the numbers returned to each of these countries in 2003 shown in brackets after the country concerned. During 2003, Ireland continued to actively assist the EU Commission in its negotiations of new Community re-admission agreements on behalf of Member States with eleven third countries/entities; Morocco, Sri Lanka, Russia, Pakistan, Hong Kong, Macao, Ukraine, Albania, Algeria, China and Turkey. Further countries are likely to be added to the list in 2004/2005.
- Two charter flights took place in 2003 to Eastern European destinations, bringing the total of such flights to five since 2001. The two charters were carried out in joint removal operations with the UK and Dutch Immigration authorities respectively. They returned a total of 47 persons from Ireland to Romania, Bulgaria, and Moldova.

The use of charter flights is now a well established and effective means of removing illegal immigrants from the State and the Department intends putting in place a drawdown charter contract in 2004 for use by the Garda National Immigration Bureau.

- The number of new cases which arose during 2003 challenging deportation matters by way of judicial review was 137 involving a total of 210 deportation

orders. Taking account of proceedings finalised during the year, the total number of on-going cases on hands as at 31 December, 2003 was 164 wherein a total of 251 deportation orders were challenged.

During 2003, the most important judgement handed down by the courts concerned the power to deport non-national parents of children born in the State. The ruling was given by the Supreme Court on 23 January, 2003 in the L and O cases. The L and O families had challenged the making of deportation orders against certain non-national members of their families on the basis that the Minister was not entitled to deport the parent of an Irish born child. As a result of the decision, the separate procedure which existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February, 2003. On 18 July, 2003 the Government announced that outstanding claims would be examined and decided individually and where the Minister proposes to deport a person, that person will be given the opportunity to make representations in relation to the proposal as provided for by law and the legally prescribed factors would be taken into account including the person's individual family and domestic circumstances and humanitarian considerations which would include any submissions made concerning the Irish born child.

- The number of asylum applications received in 2003 was 7,900 as compared to 11,634 in 2002. This represents a 32% reduction in such applications as compared to 2002. This is a much sharper fall than the average recorded across the EU for 2003, where

asylum applications fell on average by 22%. In 2003, Ireland experienced the second highest fall in asylum applications in the EU.

- The main source countries for 2003 continued to be Nigeria and Romania. Applications for Nigeria comprised 39.4% of overall applications and applications from Romania comprised 9.8% of overall applications. The top five source countries for 2003 in descending order were Nigeria, Romania, DR Congo, Moldova and the Czech Republic.
- Processing continued to move strongly in the asylum processing agencies, namely the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal with 8,641 cases finalised by the ORAC and 5,031 decisions taken by the RAT. In addition, at the end of December 2003, there were 2,896 cases on hand in both agencies over six months old which compared with 6,500 cases over six months old at end September 2001.

#### ASYLUM APPLICATIONS RECEIVED PER YEAR

A comparison of the position in 2003 as compared with previous years is as follows:

Year	Total
1991	31
1992	39
1993	91
1994	362
1995	424
1996	1,179
1997	3,883
1998	4,626
1999	7,724
2000	10,938
2001	10,325
2002	11,634
2003	7,900

TABLE 2 - SOURCE COUNTRIES FOR ASYLUM APPLICATIONS

The top five source countries for asylum applications for 2002 and 2003 are shown in the table below:

2002			2003		
Country of Origin	Number of Applicants	as % of overall applicants	Country of Origin	Number of Applicants	as % of overall applicants
1st: Nigeria	4,050	34.8%	1st: Nigeria	3,110	39.4%
2nd: Romania	1,677	14.4%	2nd: Romania	777	9.8%
3rd: Moldova	536	4.6%	3rd: Moldova	256	3.2%
4th: Ukraine	357	3.1%	4th: Zimbabwe	243	3.1%
5th: Russia	351	3.0%	5th: Ukraine	186	2.4%

TABLE 3 - DETAILS OF ASYLUM APPLICATIONS RECEIVED AND CASES PROCESSED  
IN 2003 (FIRST INSTANCE) BY THE ORAC

Number of applications received	7,900
Number of interviews scheduled	9,138
Number of interviews held	4,463
Number of no-shows	2,664
Number of cancellations	1,348
Number of applicants granted refugee status	345
Number of applicants refused refugee status of which:	7,847
<ul style="list-style-type: none"> <li>• Recommendation to refuse applicant a declaration to be a refugee following interview - S13 of the Refugee Act, 1996</li> </ul>	4,329
<ul style="list-style-type: none"> <li>• Recommendation that an application is manifestly unfounded - S12(1) of the Refugee Act, 1996</li> </ul>	156
<ul style="list-style-type: none"> <li>• Recommendation to refuse following failure to attend for second interview - S11(9) of the Refugee Act, 1996</li> </ul>	600
<ul style="list-style-type: none"> <li>• Recommendation to refuse - S13(4)(b)</li> </ul>	519
<ul style="list-style-type: none"> <li>• Recommendation to refuse - S13(5)</li> </ul>	457
<ul style="list-style-type: none"> <li>• Recommendation to refuse - S13(2) withdrawn</li> </ul>	120
<ul style="list-style-type: none"> <li>• Recommendation to refuse - S13(2) deemed withdrawn</li> </ul>	1,666
Dublin Convention Cases	237
Cases outstanding for more than six months	1,880*
<b>Total cases finalized</b>	<b>8,641</b>

\*Approx figure

## OUTCOME OF APPEALS IN 2003

Appeals granted/ refused/ withdrawn in 2003

Year 2003	Granted/ Set Aside	Refused/ Affirmed	Withdrawn	Total Decisions
<b>Subtractive</b>	825	3,657	160	4,642
<b>Manifested Unfounded</b>	25	121	3	149
<b>Dublin Convention</b>	2	102	14	118
<b>Subtractive 15-Day</b>	0	1	2	3
<b>Accelerated</b>	4	104	11	119
<b>Dublin Regulation</b>	0	0	0	0
<b>Total</b>	<b>856</b>	<b>3,985</b>	<b>190</b>	<b>5,031</b>

<b>MINISTERIAL DECISIONS</b>	
<b>Applications from 1 January 2003 to 31 December 2003</b>	<b>6,549</b>
Number of applicants granted at first instance	411
Number of applicants granted on appeal	825
<b>Total Number of applicants granted</b>	<b>1,236</b>
Number of applicants refused at first instance	1,908
Number of applicants refused on appeal	3,405
<b>Total Number of applicants refused</b>	<b>5,313</b>

- Significant amendments to the Refugee Act 1996 were contained in the Immigration Act 2003 which came into operation on 15 September 2003. The aim of these amendments was, inter alia, to streamline the asylum process and to ensure that applicants for asylum pursue their applications.

The amendments to the Refugee Act 1996 contained in the Immigration Act 2003 included provisions:

- for the designation of States as safe countries of origin;
- to deal with credibility of asylum applicants and burden of proof;
- requiring applicants to co-operate more actively with the asylum process or have their applications deemed withdrawn;
- for the Minister to issue directions to the Office of the Refugee Applications Commissioner and Refugee Appeals Tribunal to prioritise applications, for example, by country of origin;
- to designate countries as safe third countries.

On the day the 2003 Act was commenced the Minister designated 12 States as safe countries of origin by order, namely: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia. Application numbers in the run up to and after the designation of the States concerned dropped in 2003 and there was a substantial decrease when compared to 2002.

Applications from all designated safe countries of

origin and Nigeria were also prioritised after the commencement of the 2003 Act with the result that such applications were scheduled for interview in the ORAC to take place four weeks from the date of application with a decision issued very shortly thereafter. Processing times for such applications also decreased substantially in the RAT with appeals processed and completed in five weeks on average.

- A substantially increased volume of applications for visas were processed by the Department in 2003 - over 47,000 applications were dealt with in 2003, an increase of 25% on 2002 figures. Specialist visa offices established in Beijing and Moscow in 2002 enabled the Department to provide a better quality service and to combat fraudulent applications through greater local knowledge.
- Applications for permission to remain in the State on the basis of a change of status (e.g. marriage to an Irish/EU national), business permission applications and citizenship applications were processed as promptly as resources allowed.
- A comprehensive public information service on all aspects of immigration and citizenship was provided through the Department's helplines (visa, citizenship and immigration). Detailed information regarding immigration and citizenship matters was provided on the Department's website to assist members of the public.
- Carrier Liability:- The provisions of the Immigration Act 2003 relating to carrier liability came into effect on 19 September 2003. The legislation makes it an offence

for a carrier to carry a passenger into the State who does not have proper immigration documentation thereby improving controls on illegal migration into Ireland.

- **Irish born child:-** Following the Supreme Court judgement of 23 January 2003 in the cases of L & O, the Minister announced on 19 February 2003 that there was no longer a separate process for considering claims from non-national parents for leave to remain in the State on the basis of the birth of a child in Ireland. On 17 July 2003 the Government's policy for the handling of claims for leave to remain in the State from the parents of Irish born children was announced. Following the announcement, a dedicated helpline to deal with queries from non-national parents of Irish born children seeking leave to remain in the State was introduced.
- During 2003, 375 people returned under the general voluntary return schemes operated by the International Organisation on Migration (IOM). In addition, during 2003, the IOM undertook two new programmes as follows:
- a programme to assist the parents of Irish born children which will assist families willing to return and reintegrate in their countries of origin. This is part of the Government's policy for the handling of claims for leave to remain in the State from the parents of Irish born children, which was announced on 17 July 2003.
- a programme to assist unaccompanied minors which was set up in recognition that this is a vulnerable group and that special care is required to ensure appropriate assistance in the best interests of the child.
- **Improvement of Visa System:-** Government approval was given for the development of a comprehensive computerised visa system accessible to staff in the Department of Justice, Equality and Law Reform, The Department of Foreign Affairs and the Garda National Immigration Bureau in order to improve the service.

#### • **Asylum Seeker Accommodation Programme**

At 31 December 2003 the Reception and Integration Agency (RIA) had the capacity to accommodate over 7100 asylum seekers in 3 reception centres, 63 accommodation centres and 6 self-catering centres across 24 counties in a range of accommodation facilities. The type of centres available to the RIA include guesthouse, hostel, mobile home sites (Kildare, Athlone and Tralee), former holiday camp (Mosney), former hotel and system built accommodation. Between the introduction of direct provision in April 2000 and end 2003, the RIA has accommodated almost 33,000 asylum seekers, including 6,259 during 2003.

#### • **Transfer of Allocation in respect of Accommodation for Asylum Seekers**

Arising from recommendations made by the Expenditure Review Committee, the subhead in respect of the recoupment of expenditure incurred by local authorities in relation to accommodation for asylum seekers was transferred from the Vote of the Minister for the Environment and Local Government to the Vote of the Minister for Justice, Equality and Law Reform with effect from 1 January 2003. The outturn in 2003 in respect of direct provision and ancillary services to asylum seekers was €76.552m. The RIA has implemented a new payments system since January 2003 to process and record payments to accommodation providers from this allocation. In an effort to remain within this allocation the RIA has (again, for the fourth year in succession) embarked on a programme of cost savings for the supply of accommodation. Current payment rates for accommodating asylum seekers within direct provision compare most favourably with costs in other EU countries. On the basis of information provided at an international conference of reception organisations in Prague in October 2003, Ireland is ranked as second lowest in the EU in terms of accommodation costs.

There has been a dramatic increase in the number of asylum seekers accommodated by the RIA since



January 2003. At that stage 4,100 asylum seekers were accommodated, whereas at end of December there were 6,081 in centres operated by the Agency - an increase of 48%. The RIA attributes this increase in the main to the withdrawal of rent supplement from asylum seekers which commenced on 27 May 2003.

- **Inspections**

The RIA has an inspection team which conducts comprehensive inspections of properties (commercial and state owned) used to accommodate asylum seekers at least on a twice yearly basis. These inspections are always unannounced and the inspectors look at all aspects of the accommodation centre in relation to the proprietors obligations under contract - which cover such areas as reception, management and staff cover, maintenance of the property, menus and facilities being provided. In addition, an independent inspectorate has been engaged by the RIA to conduct further comprehensive inspections of all centres to include additional areas such as health and fire safety issues.

- **Health Services**

Health screening for Asylum Seekers in Ireland

Health screening is available in Dublin reception centres to all asylum seekers on a voluntary and strictly confidential basis. They are advised of this immediately on arrival. Screening covers hepatitis, TB, HIV, immunisation status and any other ailments or conditions which the medical officers feel need further investigation and/or treatment. Arrangements are in place to enable Health Boards outside the Eastern Regional Health Authority (ERHA) region to offer the service to those who do not avail of it in Dublin.

Figures from the Northern Area Health Board (which collate statistics within the ERHA) show that up to 31 October 2003, 70% of asylum seekers offered screening in Dublin reception centres availed of the service. In addition to the above, all asylum seeker women attending maternity hospitals throughout Ireland are screened. The Public Health Doctors strike

meant that screening was not offered for a period of eleven weeks from April to early June 2003. However, the public health nurses who form part of the screening teams continued to provide an ad-hoc service and refer people with acute ailments to the local GP or hospital.

Health Information Programme

As part of an Asylum Seeker Health Promotion Group chaired by the ERHA, a pilot Peer Led Education Programme on health matters for asylum seekers was established in January 2003. The programme was funded by the ERHA Boards and delivered in the Reception Centres in Dublin by project workers some of whom had been through the asylum process. The programme addresses matters such as information on accessing health services and advice on taking up the voluntary health screening available to all asylum seekers. While a wide range of issues are addressed, it is the aim to develop and refine the content of the programme to address more health promotion issues. An independent evaluation of the pilot programme was carried out towards the end of 2003.

- **Support for Asylum Seekers**

Small Grants Scheme

The Small Grants Scheme was established by the Agency in 2001 specifically to assist voluntary support groups befriending asylum seekers in direct provision centres throughout the country. Grants are made for projects which assist the asylum seekers to settle in the area and which seek to promote intercultural activities between the asylum seekers and the local community.

A total of €140,000 was made available under this scheme in 2003, benefiting over sixty projects. Projects selected for funding ranged from reception functions, such as formal or informal welcome meetings, to art classes, day trips to local places of interest and sports activities.

Conferences

In the last quarter of 2003, the Agency organised and participated in four regional conferences which

focused on the theme "Support for Asylum Seekers - Moving Forward Together." A fifth conference is planned for early 2004.

The objective of these conferences is to identify ways of forming closer links between the Agency and support groups, between the support groups themselves, and between support groups and the relevant key players at local level.

- **Integration Initiatives**

#### Forum

The Reception and Integration Agency, in conjunction with the UNHCR, the Irish Refugee Council, SPIRASI (Spiritan Asylum Services Initiative) and Integrating Ireland, hosted an Integration Forum entitled Exploring Common Goals in November 2003. The purpose of the Forum was to discuss relevant issues with the NGOs and service providers on the Agency's integration brief. In preparation for the Forum, the Agency carried out a process of consultations with the important players in non-State organisations. The Forum explored how best the Agency can work with its many partners in the area of integration of refugees. The aim of the Forum was to develop and improve positive working relationships between the Agency and the NGOs, to identify mutual expectations and to exchange views on priorities for the future.

#### Research

A study into the integration needs of refugees in Ireland was commissioned by the Agency in June 2002. The final report of the study, Research on the Integration into the Local Community of Persons Who Achieve Status/Leave to Remain, which was conducted by Pearn Kandola, was published in September 2003.

#### Awards

On 1 December 2003 the Reception and Integration Agency hosted, on a pilot basis, a Commemoration Ceremony in Limerick, as part of its ongoing initiatives on integration. The unique and historic ceremony was attended by 74 people. 25 people from a number of different countries who had been granted refugee

status in Ireland were presented with a Commemoration Award, in the presence of their families, to welcome them to the community of Irish Society.

#### Programme Refugees/Resettlement Quota

##### Programme

In 1998 the Irish Government decided to participate in the UNHCR Refugee Resettlement Programme. This Decision was taken following approaches by the UNHCR requesting that Ireland would admit, on an annual basis, a small number of "special cases", refugees who do not come under the scope of Ireland's obligations under the Geneva Convention of 1951 as amended by the New York Protocol of 1957. Normally these people are already refugees in a country of first asylum where they cannot find a durable solution. Responsibility for the resettlement in Ireland of refugees under this programme rests with the Reception and Integration Agency.

Forty-six persons (13 families) arrived in Ireland during 2003. Nine of the cases admitted were from the 2002 quota whose admittance had been delayed. The remaining four cases were from the 2003 quota. The remainder of the 2003 quota will be admitted in 2004.

Since the programme began various nationalities have been admitted including persons from Liberia, Somalia, Cameroon, D.R. Congo, Sudan, Afghanistan, Iran, Iraq, former Yugoslavia and Chechnya.

#### MORE Project

The MORE (Modelling of National Resettlement Process and implementation of Emergency Measures) project is targeted to develop in transnational co-operation comprehensive resettlement models, which can be utilised in European Union Member States. The overall objective of the project is to facilitate the quicker and better integration of refugees who come directly from crises situations and/or unstable/temporary life situations to European Union Member States. The project proposal has been prepared in co-operation with two Member States,

Ireland and Finland, both of which have experience on resettlement and evacuation processes.

The project is co-funded by the European Refugee Fund. The project commenced in Ireland on 1 December 2003 and will end in 2005.

The responsible authority for the project in Ireland is the Reception and Integration Agency. The leading organisation for the project is the Finnish Ministry of Labour.

The Reception and Integration Agency will contribute to the project by organising the local training and capacity building components as well as the development task in Ireland. In addition, it will share the responsibility for organising transnational workshops, planning sessions, fact-finding missions, mapping exercise, preparing of the publication and reports, planning of closing conference, project website and of the dissemination related activities.

#### EU Activities

The Agency is represented on the EU Immigration and Asylum Committee's National Contact Points on Integration. This Group, which meets on a regular basis, was set up in 2003 to exchange information and good practices in the area of integration at the European level.

#### European Refugee Fund

The RIA is the responsible authority for the administration of the European Refugee Fund (ERF) in Ireland. Under ERF provisions, funding is made available to a number of chosen projects, the majority of which are involved in the integration and education of refugees. In 2003, €980,000 was made available to 15 projects working in the areas of reception, integration and voluntary return.

### **Other developments**

#### **Budget**

The dedicated budget allocated to the asylum and immigration areas of the Department's Vote increased from €38.455m in 2002 to €38.628m in 2003.

#### **Refugee Legal Service**

In 2003, the Department provided €9.174m for the development and operation of the Refugee Legal Service (RLS) to provide a legal aid and advice service to asylum seekers at all stages of the asylum process.

#### **Members of the Refugee Appeals Tribunal**

During 2003, ten serving members of the Refugee Appeals Tribunal were reappointed for a further three-year period, bringing the total complement of serving members at the end of 2003 to 27.

#### **Voluntary Return Programmes**

A voluntary return programme for unaccompanied minors commenced in November 2003 in conjunction with IOM (International Organization for Migration). This programme aims to assist 50 unaccompanied minors (asylum seekers or irregular migrants) living in Ireland to return to their country of origin. The project centres on, inter alia, the best interests of the child and takes into account the wishes of the child and his/her parent or guardian; with consultation, where necessary, with the relevant statutory agencies.

#### **Non-EEA Nationals**

Non-EEA nationals who remain in the State for more than 3 months are required to register with their local Garda Registration Officer and to obtain permission to remain in the State. In 2003 almost 128,000 non EEA nationals registered in the State, an increase of 31,000 on the previous year.

#### **Events - Community Games**

The Reception and Integration Agency successfully facilitated the hosting of the Community Games for the third year in succession at Mosney. About 5000 competitors, managers and staff were accommodated over three weekends in 2003 and large numbers of day visitors were also catered for at the centre. The organisers have expressed great satisfaction with the organisation of the Games. Staff of the RIA gave generously of their free time over the weekends to attend at Mosney so as to ensure that the Games ran smoothly.

### Special Olympics

The Special Olympics World Games were hosted in Ireland in June 2003. In order to play its part in facilitating such an important international event, it was agreed that the Reception and Integration Agency would make available bed spaces and related services to support the housing and dining needs of participants, coaches and their delegations.

To this end, the German, Canadian, Armenian and Benin teams as well as their coaches and delegations were accommodated at the Baleskin Reception Centre near Dublin Airport between the 20 June and 30 June 2003. In a very successful operation, a total of 318 people were accommodated there during that period.

## EQUALITY and DISABILITY

### High Level Goal 11

*To promote the development of a more equal society by promoting, monitoring and implementing the right to equal treatment and the accommodation of diversity, having regard to gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community.*

#### Strategy Statement 2003-2005 Objectives

- Enhance the existing statutory foundation for equality, equal status and disability.
- Develop and pursue equal opportunity and equal access policies
- Support the reconciliation of work and family responsibilities.

#### Progress on objectives in 2003

- Following a consultation process in 2002, the preparation of an Equality Bill to give effect to the three EU Equality Directives, namely Directives 2000/43/EC (Race Directive), 2000/78/EC (Framework Employment Directive) and 2002/73/EC (Gender Equal Treatment Directive) was undertaken in 2003. The Directives prohibit discrimination on a number of grounds in the areas of employment and access to services and are being implemented through a series of amendments to the Employment Equality Act 1998 and the Equal Status Act 2000, as provided for in the Bill which is due to be published in January 2004.
- Research into comparative international practice and anti-discrimination legislation, commissioned as part of a review of the discriminatory grounds under the Employment Equality Act 1998, was completed by University College Cork and is expected to be published in 2004. The research focused on four new discriminatory grounds, identified for consideration as part of the review, which were socio-economic status/social origin, trade union membership, criminal conviction/ex-offender/ex-prisoner and political opinion. The outcome of the research is expected to inform the completion of the review process and any future policy decision adopted in this regard.
- The Department continued to provide support and to liaise closely with the Equality Authority and the Office of the Director of Equality Investigations (ODEI - the Equality Tribunal) in relation to the performance of their statutory functions during 2003. In addition to initiatives such as the National Framework for the Development of Equal Opportunities at the level of the Enterprise, the Department liaised closely with the Equality Authority and the Equality Tribunal in regard to new legislative proposals to amend the Employment Equality Act 1998 and the Equal Status Act 2000 to implement the EU equality Directives.
- Section 25 of the Intoxicating Liquor Act 2003 amended section 15 of the Equal Status Act 2000 to safeguard the discretion of a licensee with regard to the presence of children on their premises. It also permitted licensees to enforce a policy of refusal to serve intoxicating liquor to those above a minimum age in excess of 18 years.
- The European Commission published a Proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services on 5 November 2003. It was considered for the first time at the Social Affairs Working Group of the Council in December 2003.

- Under Article 13 of the Amsterdam Treaty, which allows the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the Council of the European Union in 2000 adopted two anti-discrimination Directives, 2000/43/EC (Race Directive) and 2000/78/EC (Framework Employment Directive), and a Council decision establishing a Community Action Programme to combat discrimination to run from 2001 to 2006. A Programme Committee is in place to assist and advise the European Commission in the implementation of the Community Action Programme activities. In June, 2003, in Brussels, the EU Commission launched an EU Anti-Discrimination Awareness Campaign as part of its Action Programme. Ireland is a participant in the EU-wide awareness campaign.
- Developing and pursuing equal opportunity and equal access policies for people with disabilities is one of the key objectives of the Department's strategy for equality. During 2003 the Department continued to be active on a number of fronts providing a focal point for disability equality policy and legislation development in the context of mainstreamed public service provision for people with disabilities.
- The National Disability Authority (NDA) was established in June 2000 and its remit includes functions in advising the Minister on disability policy as well as promoting good practice in service provision. The Department has established appropriate liaison structures to monitor expenditure by the NDA and to facilitate the performance of its functions. The Department provided funding of €4,538,090 to the NDA in 2003.
- The NDA was designated as the National Coordinating Body for the European Year of People with Disabilities 2003. The NDA chaired a National Co-ordinating Committee (NCC) for the Year which consisted of representatives from key stakeholders in the disability sector, the Department and other Government Departments as well as the social partners and the media. The key aim of the Year was to promote public awareness of disability issues, including the rights of people with disabilities to equal opportunities and protection against discrimination. Over €1.5m was provided to the NDA (of which €0.2m came from the EU) and included a special allocation of €0.5m for "flagship projects" announced by the Taoiseach in January 2003. The NDA used the funding to finance over 50 national and local projects selected by the NCC following a public call for proposals. Projects were categorised under the four themes chosen for EYPD in Ireland: awareness raising; youth and disability; rights, responsibilities and partnership; employment.
- In addition to the work of the NDA/NCC the Department provided additional funding of over €1.0m to support a number of other initiatives including: a calendar featuring the work of artists with disabilities; a Design for All exhibition (co-funded with OPW); a series of advertising campaigns; a new Sensory Garden in the Botanic Gardens, Dublin; an accessible website for People with Disabilities in Ireland (PwDI); a Youth and Disability Conference (also for PwDI); and a four part television series entitled From the Outside In which achieved viewing figures of 232,000 for the final episode.
- National Information Days on Disability have been held since 1997 (co-funded by the Department and the EU Commission). The Department held the seventh National Information Day on Disability on 3 December 2003. Over 200,000 disability awareness brochures, entitled "Thinkability", were distributed to workers in the public sector.
- The Department continued to participate in a number of Interdepartmental Committees and in European Union, Council of Europe and other international fora which have an impact on disability equality policy. Of particular importance in 2003 was work in connection with a proposed UN Convention on the protection and promotion of the rights and dignity of people with disabilities.



- The preparation of a Disability Bill is being overseen by the Cabinet Committee on Social Inclusion due to the complex and cross-cutting nature of the issues involved. Preparation of the Bill has required continued co-operation with all Departments concerned throughout 2003 and is a key element in the Government's proposed framework for disability equality. This framework also includes the Education for Persons with Disabilities Bill 2003, a Comhairle (Amendment) Bill, Sectoral Plans for key service areas and the Equality Bill 2004.
- The Department continued to support People with Disabilities in Ireland Ltd. (PwDI), which is a non-profit making independent body providing a representative structure for people with disabilities, their families, carers and advocates. PwDI operates through a national office in Dublin and through 30 Disability Networks at county level. PwDI has an elected Board drawn from the county networks. PwDI received funding from the Department of €1,150,737 in 2003.
- The Department chairs the Monitoring Committee in relation to the 3% target for the employment of people with disabilities in the public sector (excluding the Civil Service, which is monitored by the Department of Finance). This target was re-stated in "Sustaining Progress" and previous national agreements. In recent years a number of initiatives have been undertaken including seminars, production of information material and research undertaken in partnership with the Equality Authority. The Department commissioned further research, completed during 2003, which will help guide future policy development in this area.
- The Department continued to participate in policy making in national, EU and other international fora dealing with employment equality issues including:-
- **EU Presidency initiative:- Questionnaire on Sexual Harassment in the Workplace in EU Member States**  
Preparatory work on an EU Presidency initiative to research and develop indicators on Sexual

Harassment in the Workplace began in October 2003. The initiative, which seeks detailed and current information from government policy makers and legislators, equality promotional and enforcement bodies, and from employers and union groups, in relation to sexual harassment in the workplace in all EU Member States, including the new Member States from May 2004, arises from the implementation of the Beijing Platform for Action.

- **Meeting Workplace Relations and Environment Commitments made under *Sustaining Progress*.**

Throughout 2003 the Department worked towards implementing the commitments made by the Government in relation to the amendment of the Maternity Protection (Amendment) Act 1994, the Adoptive Leave Act 1995, the Parental Leave Act 1998 and the Employment Equality Act 1998.

- **National Framework Committee for Equal Opportunities at Enterprise Level.**

The Department participates in the National Framework Committee for Equal Opportunities at Enterprise Level which is chaired by the Equality Authority. The Committee which was established under the Programme for Prosperity and Fairness (PPF) was continued under *Sustaining Progress*. During 2003, the work of the Committee included developing and disseminating practical supports for the equal opportunities workplace, developing and implementing two funding schemes to support individual projects on workplace equality, publication of research on barriers to employment equality in small and medium enterprises and engaging with equality planning and equality reviews.

- **Administration of Employment Equality Issues.**

Arising from a commitment under *Sustaining Progress*, an Employment Review Group consisting of representatives of the Department of Enterprise, Trade and Employment (Chair), the Department of Justice, Equality and Law Reform and each of the employment rights bodies, was set up in September 2003. The Group is examining the delivery of services by



employment rights bodies with a view to increasing cohesiveness and user-friendly access.

- The Department chaired the Consultative Group on Male/Female Wage Differentials which was set up under the Programme for Prosperity and Fairness. This Group's report on actions required to address the gender pay gap was presented to Government in November 2003. The report was subsequently published and placed on the Department's web site *www.justice.ie*. Arising from a recommendation in the report, the Department has commissioned a study of the gender pay gap among graduates. The contract for carrying out this work, which is expected to be completed by end 2004, was awarded to the Economic and Social Research Institute. A conference on the Gender Pay Gap in Local Government was held in Portlaoise in October 2003.
- National Action Plan against Racism (see material in under High Level Goal 1 page 15).
- The National Anti-Racism Awareness Programme (Know Racism) continued into its third and final year of operation, concentrating on local awareness through its fourth phase grant scheme, advertising, marketing and partnership activities focusing on key dates such as March 21st, the International Day Against Racism and the Anti-Racist workplace week in November. The total amount expended on the Know Racism programme in 2003 was €996,000. (The total expenditure over the three years of the programme to the end of 2003 was €4,728,000).
- The National Consultative Committee on Racism and Interculturalism (NCCRI) is a voluntary sector organisation that in 2002 formally established its status as a private company limited by guarantee. The NCCRI Ltd. seeks to promote meaningful dialogue between the statutory and the non-governmental sectors on issues related to racism. It sponsors a partnership approach to anti-racism and intercultural initiatives.

In 2003 the Department provided a grant of €323,000 to the NCCRI for general administration, salaries, overheads and specific projects.

- The work of the Working Group on Equality Proofing, established in 2000 under the Programme for Prosperity and Fairness (PPF) continued to meet during 2003. The Department continued to provide funding for the following pilot projects on Equality Proofing as part of the 2003 work programme agreed by the Working Group:-

- Selected areas of FÁS

- Community Workers Co-operative to prepare a manual on equality proofing for community groups

- An Equal Status Review in the North Western Health Board

- An Integrated Approach to Proofing (to include poverty, gender and equality proofing) in areas of Back to Education Allowance (Department of Social and Family Affairs) and National Action Plan Against Racism (Department of Justice, Equality and Law Reform).

A report on the progress of the Working Group's activities will be published in 2004.

- During 2003, the liquidation of the Traveller Communication Programme Ltd which managed the Citizen Traveller Campaign was finalised. This followed a review of the Citizen Traveller Campaign commissioned by the Minister. Options for a replacement scheme within the terms of the Task Force Report on the Travelling Community and with specific emphasis on the improvement of relationships between the Traveller and settled communities, are under consideration.
- In June, 1998, the Minister for Justice, Equality and Law Reform established a Committee to monitor and co-ordinate the implementation of the recommendations of the Task Force on the Travelling Community. The Committee, which is chaired by the Department, is representative of Traveller

interests, social partners and relevant Government Departments.

During 2003, the Monitoring Committee continued to meet and monitor the progress of the recommendations of the Task Force on the Travelling Community.

- During 2003, officials from the Department continued dialogue with a range of international organisations and represented Ireland at relevant meetings. The following is an outline of the international organisations the Department deals with and an update on progress in 2003.

#### **Council of Europe organisations/working groups.**

- European Commission on Racism and Intolerance (ECRI)
- Specialist Group on Roma, Gypsies and Travellers (MG-S-ROM),
- Framework Convention for National Minorities (FCNM).

In March 2003, the Department co-hosted with the Department of Foreign Affairs an official visit by the Advisory Committee on the Implementation of the Framework Convention for National Minorities in Ireland. This visit resulted from the first report on Ireland following the ratification of the Framework Convention for the Protection of National Minorities in Ireland.

Organisation for Security and Co-operation in Europe (OSCE) deals with issues relating to Roma and Anti-Semitism

#### **United Nations**

##### United Nations Convention on Elimination of all forms of Racial Discrimination CERD Report

Ireland's First National Report under the United Nations International Convention on the Elimination of All Forms of Racial Discrimination has been prepared and will be submitted to the UN early in 2004.

#### **European Commission**

##### European Monitoring Centre on Racism and Xenophobia (EUMC)

During 2003, work on the Commission's proposal to recast Council Regulation 1035/97 continued until a European Council decision on the 13 December 2003 to extend the mandate of the EUMC to become a Human Rights Agency. Work on the proposal to recast Council Regulation has ceased and the Commission are currently considering the implications of the EC decision. In the interim the EUMC continues to operate under the existing Council Regulation 1035/97.

- The following progress was achieved on supporting the reconciliation of work and family responsibilities:

##### **- Maternity Protection ( Amendment ) Bill 2003**

The Maternity Protection (Amendment) Bill 2003 implements the recommendations of the *Report of the Working Group on the Review and Improvement of Maternity Protection Legislation*.

The Bill was published on 2 May 2003 in line with a commitment in Sustaining Progress and the Government Legislative Programme. The Bill passed all Seanad stages in December 2003.

##### **- Adoptive Leave Bill 2004**

Following consultations with relevant parties in 2002 legislative proposals to apply the appropriate Maternity Review Group recommendations to adoptive leave were developed during the course of 2003 and a Bill is due to be published in 2004.

##### **- Amendment of the Parental Leave Act 1998**

In accordance with section 28 of the Parental Leave Act 1998 and a commitment in the *Programme for Prosperity and Fairness*, a Working Group comprising the social partners, relevant Government Departments and the Equality Authority, carried out a review of the Act in 2001. *The Report of the Working Group on the Review of the Parental Leave Act 1998* was published on 29 April 2002. Work is now at an advanced stage on the Heads of a Bill to implement the agreed

recommendations of the Working Group by amending the Act.

#### **- National Framework Committee for Family Friendly Policies**

The Department participated in the National Framework Committee for Family Friendly Policies, set up under PPF and chaired by the Department of Enterprise, Trade and Employment, to support family-friendly policies at the level of enterprise. In addition to advising the Committee in relation to adoptive, maternity and parental leave legislation and associated case law developments during 2003, the Department contributed to the Committee's overall programme of work throughout the year which included organising the National Family Friendly Workplace Day on 1 March 2003.

### **Other Developments**

#### **EU Initiatives**

The Department's representative attended two meetings of the EU High Level Group on Mainstreaming Gender Equality in 2003. The Department is also represented on the Management Committee for the EU Gender Equality Programme 2001-2005. In February 2003 an international conference on the Gender Pay Gap at Sectoral Level, marked the conclusion of a project lead by Ireland and involving Northern Ireland, Finland and Sweden. This Programme also co-funded a project on family friendly policies during 2003 which was managed by the Department in partnership with the North Western Health Board.

The Department advised on the implementation at national level of commitments on gender equality which are contained in the EU Employment Guidelines 2003-5 and the EU Social Policy Agenda. The Department provides relevant inputs to the National Employment Action Plan 2003-2005 and the National Action Plan against Poverty and Social Exclusion.

#### **Council of Europe**

The Department represents Ireland on the Council of Europe Working Group, the Committee for Equality

between Women and Men, known by the initials of the French title, CDEG. The Committee aims to advance gender equality within the work of the Council. There were two meetings of the Committee in 2003.

#### **The UN Beijing Platform for Action**

The Platform for Action which was adopted at the UN Fourth World Conference on Women in 1995 (Beijing) outlines commitments on gender equality in twelve critical areas. The Department has reported periodically to the UN on the implementation of these commitments.

#### **The UN Commission on the Status of Women (CSW)**

The Commission on the Status of Women promotes equality for women and particularly the implementation of the UN Beijing Platform for Action. The Department participated in the March 2003 meeting of the Commission.

#### **The National Women's Council of Ireland**

The National Women's Council of Ireland (NWCi) is the national umbrella organisation for women representing over 150 non-governmental women's organisations at national, regional and local level. The Council received a grant of €549,000 from the Department in 2003 for general administration, salaries and overheads. This included a developmental grant of €7,600 for the organisation, Women In The Home (WITH).

#### **State Boards**

In July 2002 the Minister of State with special responsibility for Equality wrote to all Ministers requesting them to review the gender balance composition of the State Boards and Committees under the aegis of their Department and to take measures to redress gender imbalances, where the 40% target has not been reached. The Minister of State also advised Ministers that to ensure progress he intended bringing a six monthly report to Cabinet on the gender composition of Boards for each Department broken down between (i) Boards newly appointed during that period and (ii) Boards already in existence.

The first report covering the period 1 July to 31 December

2002 was noted by Government on 1 July 2003. The second report, covering the period 1 January 2003 to 30 June 2003, will be submitted to Government shortly. At the end of 2003 women made up 30% of the total membership of State Boards and 36% of those members appointed by the Government or Ministers. Women represented 27% of appointments made other than by Government or Ministers.

Ministerial appointments in the second half of 2003 reached 35%, with seven Departments close to or exceeding the target of 40%. This represents a slight decrease over the first six months of 2003, when 39% of Government/Ministerial appointments were women.

The Minister of State will continue to review the situation and will bring proposals for further actions, if he considers this necessary.

### **United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)**

Ireland acceded to the above Convention in 1985 which requires regular reporting to the UN on equal rights for women in political, economic, social, cultural and civil life. Work on Ireland's Combined Fourth and Fifth Reports on the CEDAW commenced in 2002 and the reports were submitted to the United Nations on 10 June 2003.

### **National Women's Strategy**

A key recommendation in the Report to the United Nations on the National Plan for Women 2002 on the implementation of the Beijing Platform for Action, published in October 2002, was the development of a National Women's Strategy as the framework for Ireland's gender equality agenda for the coming years. The scoping work for the development of the Strategy commenced in December 2003 and proposals will be presented for the development of the Strategy by mid-2004.

### **Equality for Women Measure**

The Department has been allocated a sum of €35.5m under the Equality for Women Measure of the National Development Plan to promote equality for women. This funding is located in the following

Operational Programmes (OPs); the Southern and Eastern OP (€21.7m); the Border, Midland & Western OP (€7.8m) and the Employment and Human Resources Development (EHRD) OP (€6.097m). The EU is co-financing expenditure under the EHRD OP. Expenditure on the measure during 2003 was €5.3m.

A total of 70 projects are currently being funded under the Measure. The projects are pilot initiatives to develop learning on appropriate strategies for the achievement of greater gender equality in employment, business and decision making. It is hoped that much of this learning will transfer to the mainstream. To date, nearly 5,000 women have participated in training and other courses and a further 11,000 have utilised the facilities of service providers. Further details of all 70 projects can be found on the web site [www.ewm.ie](http://www.ewm.ie).

In 2003, the Equality Authority, on behalf of the Department, signed agreements with five organisations to undertake a review of their human resource policies and practices, from the viewpoint of equality.

In addition, the Measure funded the following publications in 2003:

*"Gender-In-Justice"* a research report which provides the first gender analysis of the legal profession in Ireland.

*"Off the Treadmill"* a research report on the uptake of family friendly arrangements in the workplace and a gender breakdown of those availing of such arrangements.

The second Annual Report on the Measure, covering the period January - December 2002.

For further information see web site [www.ewm.ie](http://www.ewm.ie)

### **Gender mainstreaming**

The NDP Gender Equality Unit was set up under the National Development Plan, 2000-2006 to advise those who have responsibility for NDP measures on how to incorporate a gender equality perspective into their mainstream work (an approach known as gender

mainstreaming). The Unit is co-financed by the European Social Fund. The Unit has developed and updated a database of gender disaggregated statistics relevant to the NDP and commissioned a number of gender disaggregated statistical surveys. It has also trained over 800 policy makers. The Unit's publications include a Gender Proofing Handbook, Women and Men in Ireland as Entrepreneurs and Business Managers, and fact sheets on gender equality issues in nineteen NDP policy areas. In 2003, the Unit commenced its work programme with community and voluntary groups, and is providing training on effective lobbying, and for women in decision making, as well as commissioning a Guide to Develop a Gender Equality Policy in Community and Voluntary Organisations. More information on the work of the Unit, including all its statistics and research publications, are available on its website, at [www.ndpgenderequality.ie](http://www.ndpgenderequality.ie).

### Traveller Mediation Service

During 2003, the Department continued to provide financial support towards a Traveller Mediation Service operated by Pavee Point. This service is an initiative of Pavee Point Travellers Centre and it provides a mechanism for responding constructively to the various conflicts and disputes which arise between Travellers and members of the settled community.

### Legislation

#### Equal Status Act, 2000

The Equal Status Act 2000 came into operation on 25 October 2000. This Act gives protection against discrimination in non-workplace areas and thus complements the Employment Equality Act, 1998. The Act prohibits discrimination on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origin and membership of the Traveller community.

The Equality Bill 2004 will amend the Equal Status Act and the Employment Equality Act to transpose the Race Directive (2000/43/EC). As Irish legislation is largely in compliance with this Directive amendments to the Equal Status Act will be mainly minor and technical in nature.

Article 13 - Gender Equality Directive to combat discrimination based on sex in areas outside employment

During 2003, work continued on the Proposal for a Council Directive on Gender Equality to combat discrimination based on sex in areas outside employment. The Commission proposals were circulated by the Council Secretariat on 14 November 2003. The overall policy objective is to provide women and men across the Union with a common set of minimum standards of protection against discrimination in access to goods and services. The text closely follows that of the Race Directive (2000/43/EC).

The Council Working Group on Social Questions had a first look at the proposal on 5 December 2003. It will be a priority of the Irish presidency to achieve the maximum progress possible on this proposed Directive.

Under Article 13 of the Amsterdam Treaty the European Council also established a Community action programme to combat discrimination which will run from 2001 to 2006 to enhance and support the two anti-discrimination Directives adopted in 2000. A Programme Committee is in place to assist and advise the European Commission in the implementation of the Community Action Programme activities. Ireland is represented on the Committee by officials of the Department. In June 2003, in Brussels, the EU Commission launched an EU Anti-Discrimination Awareness Campaign as part of its Action Programme. Ireland is a participant in the EU-wide awareness campaign.

### National Anti-Racism Awareness Programme (Know Racism)

#### Background

A high level steering group chaired by Mr Joe McDonagh was established in 2001 to implement the National Anti-Racism Awareness Programme, (Know Racism), in partnership with the Department of Justice, Equality and Law Reform. Its aim was to stimulate an awareness of racism and promote respect for cultural diversity. The following is a summary of the main activities undertaken under the programme in 2003.



Know Racism launched a fourth phase of its grant schemes in 2003. The grant schemes assist community groups and organisations in developing and implementing local anti-racism awareness initiatives. Under the fourth phase a total of €322,000 was allocated to 87 successful applicants in 21 counties. Over the three years of the Know Racism programme, grants totalling €1.3 million were paid to 450 projects in 26 counties. The grants were paid out in amounts ranging from €2,000 to €20,000.

In 2003, three further phases of advertisements were launched nationally. Four phases were launched prior to 2003. The fifth phase of advertising, coincided with St. Patrick's Day in March, the sixth and seventh phases were based on the goodwill factor of the 2003 Special Olympics World Summer Games in June.

In 2003, to mark the International Day against Racism on 21 March and European Week Against Racism, the National Consultative Committee on Racism and Interculturalism (NCCRI) coordinated a large number of events in Ireland, North and South in partnership with Know Racism and the Equality Commission for Northern Ireland.

A number of partnership ventures were undertaken under the programme in 2003, including participation in the Anti-Racist Workplace Week in partnership with the Equality Authority, IBEC, ICTU, the Construction Industry Federation and for the first time, the Small Firms Association. Know Racism provided financial assistance for multicultural training for facilitators in the Special Olympics. The programme also took part in the Community Games in Mosney, Co. Meath and the Special Olympic Village in Dublin. It also made funding available to support the Holocaust Memorial Day in January, a needs analysis of the Russian speaking community in Ireland, the World Refugee Day awards in June 2003 organised by the African Refugee Network and events for Traveller Focus Week in December 2003 organised by the Irish Traveller Movement.

The Sunday World published a special supplement on the National Anti-Racism Awareness Programme with its edition of 14 December 2003, entitled, "Keeping the

KNOW RACISM spirit alive".

The Charter Against Racism in Sport was a major initiative of the Know Racism programme designed to protect Irish sport against racism. The Charter was launched by the Taoiseach on 8th October 2003 and has been signed by all of the main sporting organisations. The initiative was fully supported by the Sports Council.

## CHILDCARE

### High Level Goal 12

*To enhance the quality of childcare provision and increase the availability of childcare places for parents and children throughout Ireland, availing of funding provided through the National Development Plan and to continue to develop and support a well-structured, proactive and caring childcare sector.*

#### Strategy Statement 2003-2005 Objectives

- Continue to develop the supply of quality childcare places in Ireland through the implementation of the Equal Opportunities Childcare Programme 2000 - 2006 in accordance with best practice.
- Continue to support quality improvement in the childcare sector.
- Co-ordinate childcare policies and programmes at national and local level through continuing and developing engagement with statutory and non-statutory organisations involved in childcare.

#### Progress on objective in 2003

- The Equal Opportunities Childcare Programme 2000 - 2006 (EOCP) is a seven year development strategy which is funded through the two Regional Operational Programmes (OP) of the National Development Plan (NDP). The total funding allocated for this purpose was originally €436.7 million, of which €177 million is European Regional Development Funding and European Social Funding. This amount has now increased to €449.3 million – see Other developments below for further details.
- The EOCP makes capital grant assistance available to community based not for profit childcare groups and to private providers to create new and enhanced childcare facilities. During 2003, €31.1 million was allocated in capital grant assistance which will, when fully drawn down create 2,103 new full time and 2,867 new part time childcare places and will enhance the quality of 1,147 existing full time and 1,503 existing part time childcare places.
- Staffing grant assistance is made available to community based not for profit childcare facilities which offer childcare facilities to support the childcare needs of disadvantaged families to enable them to remain or return to employment, education and training. Grants are normally awarded for a three year cycle and therefore many services would benefit in 2003 from grants awarded in previous years. Further staffing grants to a value of €14.7 million were awarded to groups in 2003, supporting the creation of 414 new full time and 1,148 part time childcare places and 155 existing full time and 1,469 part time childcare places.
- Grant support for the enhancement of childcare quality is delivered through a range of actions but it largely focuses on the 33 City/ County Childcare Committees (C/CCCs) and the seven National Voluntary Childcare Organisations. Funding allocated in 2003 amounted to €9.2 million.
- Total funding committed under the Programme to end December 2003 amounts to almost €260 million. Of this, €114 million has been committed to capital projects, €92 million to staffing grant assistance and about €43 million to quality improvement. About €10 million has been spent on the day to day administration of the Programme and technical supports to date. Much of the remaining current funding yet to be allocated will be required for continuing supports to existing projects.



- Expenditure as certified by grant beneficiaries under the EOCP during 2003 amounted to €66.9 million.

### Other developments

In early 2003, the NDP/CSF Evaluation Unit carried out an evaluation of the EOCP and were positive in their comments. The recommendations made by the Evaluation Unit have been adopted by both the Department and the Regional Assemblies.

In Autumn 2003, the Programme was again evaluated, as part of the Mid-Term Review of the National Development Plan and its Operational Programmes. All three studies commented positively on the EOCP and the contribution it is making to support the Irish labour market, and it was found to have impacted positively on children.

Following the Mid-Term Review of the NDP, an additional provision of €12 million in structural funding was made available from an inter-OP transfers to the EOCP, bringing the total budget to €449.3 million.

The National Childcare Co-ordinating Committee (NCCC) continued to meet regularly during 2003 and the Committee and its Sub-Groups undertook a large body of work. It completed or advanced the following tasks:

- Development of a policy on School Age Childcare. This is to be implemented following consultation in 2004;
- Development of national guidelines for the voluntary notification of childminders to the health boards;
- Work continued in the advisory Sub-Group to the NCCC on the development of guidelines for childcare providers and for parents in relation to equality and diversity in childcare.

A new grant scheme to support childminders was launched in November 2003, making available small grants of up to €630 to a childminder for capital type purchases which would enhance the service being offered. Availability of the grant is conditional upon attendance at a short series of lectures known as a Quality Awareness Programme for childminders being organised

by the C/CCCs.

The City/ County Childcare Committees (C/CCCs) continued to deliver their five year strategies through their action plans. The Department co-hosted two conferences with the C/CCCs to discuss the further development of childcare and to discuss co-ordination of effort and collaboration between the C/CCCs and the National Voluntary Childcare Organisations (NVCOs).

A new approach was adopted for the ongoing funding of the NVCOs whereby each was required to develop a three year strategic plan which closely linked the work of the NVCOs with the aims and objectives of the EOCP. These were submitted for the approval of the NCCC and funding is being made available to each NVCO on an annual basis on the basis of an annual action plan based on the strategy.

During 2003, the EOCP supported the publication by the sector of a significant number of books, studies and other documentation which aim to increase awareness of quality in childcare.

In July 2003, the Central Statistics Office published the results of a study of the childcare needs and experiences of parents which it had undertaken on behalf of the Department of Justice, Equality and Law Reform as a module of the Quarterly Household Survey.

## LEGAL AID

### High Level Goal 13

#### *To facilitate access to justice:*

- *through the operation of professional, efficient and cost-effective criminal legal aid and advice schemes, and*
- *in relation to civil legal aid, by supporting the Legal Aid Board in providing the best possible service to its clients within the resources made available to it.*

#### Strategy Statement 2003-2005 Objectives

- Identify policies and implement measures to facilitate access to justice through the criminal legal aid and advice schemes.
- Provide a first class service to practitioners who operate the Scheme.
- Support the Legal Aid Board in providing the best possible service to its clients within the resources made available to it.

### Progress on objectives in 2003

#### Criminal Legal Aid

- The gross cost of the Criminal Legal Aid and Advice Schemes was €37.346m in 2003.
- Liaison continued with the Law Society, Bar Council and Courts Service to ensure the continued successful operation of the Criminal Legal Aid and Advice Schemes.
- All Criminal Legal Aid claim forms used in the District, Circuit and Higher Courts were made available on the Department's website during 2003. The complete series of forms relating to the Garda Station Legal Advice Scheme will be available in 2004.

#### Civil Legal Aid

- The Department continued to support the Legal Aid Board in the performance of its function under the Civil Legal Aid Act, 1995 and Regulations made under the Act and in providing the best possible service to its clients within the resources made available to it. This included:
  - Continuing to provide adequate resources to the

Board to enable it to discharge its brief;

- Continuing to develop, in discussion with the Legal Aid Board a measurable cost effective and professional civil legal aid service;
- Providing any assistance required under the Act to support the Board in the development of effective management systems;
- Reviewing policy on civil legal aid in the context of the Board's operations.
- The Legal Aid Board operates a law centre network through 89 solicitors operating from 30 full time locations and 12 part time law centres nationally. This service is complemented by a Private Practitioners Scheme, whereby legal service can be made available in areas of geographic remoteness and where the exigencies of the law centre service so require. The Legal Aid Board has a staff complement of 409 including 140 in the Refugee Legal Service. The Board's staff complement includes 111 solicitors.
- The Board also operates a dedicated service, known as the Refugee Legal Service (RLS), to provide legal advice and assistance to asylum seekers at all stages

of the asylum process, including representation before the Refugee Appeals Tribunal.

- The Board continues to run a specialised Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the asylum process.
- In 2003, the Board's grant in aid funding was increased from €17.636 million to €18.389 million while funding for the provision of the Refugee Legal Service and Refugee Documentation Centre was €9.027 million in 2003.
- The Legal Aid Board has a vital role to play in providing access to justice in civil matters to people on low incomes. Family law cases account for approximately 96% of cases dealt with by the Board.

provided legal services through law centres involved litigation. The number of persons awaiting service increased from 1,800 in December, 2002 to 3,500 at the end of December, 2003. This arises primarily from an increase in the level of demand for legal services from 9,000 in 2002 to 10,500 in 2003.

## Other developments

### Criminal Legal Aid Scheme

The Criminal Justice (Legal Aid) (Regulations) 2003 (S.I. No. 713 of 2003) were made on 18 December 2003. These Regulations provide for an increase in the fees payable under the Criminal Legal Aid Scheme to solicitors for attendance in the District Court and for appeals to the Circuit Court and for an increase in the fees payable to solicitors and counsel in respect of essential visits to prisons and other custodial centres (other than Garda Stations) and for certain bail applications. The Regulations come into effect on 1 January, 2004.

### Civil Legal Aid

The Legal Aid Board, which operates under the aegis of the Department, make the services of solicitors and barristers available to people of limited means at 30 full time and 12 law centres around the country and at the Refugee Legal Service offices in Dublin, Cork and Galway.

The total number of cases in which legal services were provided by the Board through law centres, the Refugee Legal Service and the Private Practitioner schemes in 2003 was 19,500 as compared with 21,300 in 2002. Over 75% of the number of cases in which the Board

## BUSINESS SUPPORT and CUSTOMER SERVICE

### High Level Goal 14

*To support the attainment of the Department's objectives in our policy and operational areas through the effective and efficient management of our organisation and resources with particular regard to the development of our staff and the delivery of excellent customer services.*

### The Modernisation Programme

#### Strategy Statement 2003-2005 Objective

- Advance a range of modernisation initiatives to enable us to continuously improve the way we manage our organisation and resources.

### Progress on objective in 2003

- In accordance with requirements under the new 'Sustaining Progress' Social Partnership Agreement 2003-2005, the Department and its sectoral bodies prepared modernisation action plans to give effect to commitments under the modernisation agenda in the Agreement. These action plans set out the progress to be achieved on a wide range of areas such as, the more efficient use of resources, provision of equal opportunities, improved customer service etc. and build on the progress achieved by the Department and its sectoral organisations on modernisation and change under the Programme for Prosperity and Fairness (PPF).

These action plans were agreed by the relevant partnership committees and subsequently approved by the appropriate Performance Verification Groups (PVGs) established to verify the progress achieved by the Department and its sectoral organisations on modernisation over the period of the Agreement.

A modernisation working group consisting of senior Department officials was established in the Department to monitor progress on the implementation of the Department's modernisation action plan and progress by the sector was monitored by the Justice and Equality Sector Steering Group.

The Department and the Justice and Equality Sector

organisations submitted their first set of progress reports on their action plans to their respective PVGs at the end of 2003. The various PVGs subsequently decided, having considered the reports submitted, that sufficient verifiable progress had been achieved by the Department and its sectoral organisations to warrant payment of the pay increases due under the Agreement on 1 January 2004 to all staff, with the exception of grades represented by the Prison Officers Association in the Prison Service, in respect of which a decision on whether payment is warranted was deferred.

## Planning and Performance

### Strategy Statement 2003-2005 Objective

- *Enhance our strategic, business planning and individual performance planning frameworks to support improved organisation performance.*

### Progress on objective in 2003

- Further progress was achieved on enhancing our strategic, business planning and individual performance planning frameworks in the Department in 2003 with the publication of a new Strategy Statement for 2003-2005; completion of a new set of Business Plans for the year; and continued implementation of the Performance Management and Development System (PMDS). Under the PMDS, the updating of individual Role Profile Forms by all staff provided greater clarity of individual roles; helped align individual performance with the Department's Strategy Statement and Business Plans; promoted positive management of individual performance; and helped to support achievement of the Department's overall business objectives.

Progress on the implementation of Strategy Statement objectives was monitored during the year through a process, involving the Minister and the Management Advisory Committee, of regular review of 2003 Business Plans.

The Department's 2002 Annual Report, which was published in December 2003, incorporated for the first

time a progress report on the implementation of Strategy Statement objectives.

The Department continued to provide its sectoral bodies with the necessary supports during the year to enable them to carry out their various administrative, regulatory or operational functions. The Department continued to strengthen its linkages with its sectoral bodies during 2003 and ensure a coherent approach was taken across the sector to the implementation of Government commitments and in relation to management and strategic planning and performance issues through meetings of the Justice and Equality sector Steering Group.

### Other developments

The Department provided the Taoiseach's Office with its first annual progress report on the implementation of Agreed Programme for Government (APG) commitments for which the Department is responsible in May 2003. The Department of Justice, Equality and Law Reform is responsible for implementing, for the most part in a lead role, in excess of 80 of the 477 commitments in the Agreed Programme for Government.

## Human Resource Management

### Strategy Statement 2003-2005 Objective

- *Ensure that the Strategy Statement on Human Resource Management (HRM) is completed, and that the supporting computerised HRM database is fully implemented.*

### Progress on objective in 2003

- Work on developing a Human Resource Management (HRM) Strategy Statement for the Department continued and a final draft of the document was prepared.

- Personnel Division continued to provide a human resource and industrial relations service to management and staff of the Department and its agencies in 2003. Recruitment, filling vacancies, redeployment and the holding of promotional

competitions at all levels took up significant time and resources.

- A key component of the modernisation programme has been the procurement and installation of a computerised HRMS database. This system went 'live' on 9 October, 2003.
- Procurement of the HRM system was achieved on a cross-agency basis involving the Department's Head Office area, the Courts Service, the Legal Aid Board, the Prisons Service and the Land Registry. This cross-agency approach to procurement, rather than individual systems, represented the best value for money for the Department as a whole.

### Other developments

- Work commenced on integrating PMDS and HR policy. A draft promotional assessment form for PSEU members aligned to PMDS was developed and

presented to the union for comment. The PMDS Annual Review Promotional Assessment for PSEU staff currently forms part of the overall promotional assessment process.

- Existing staffs were redeployed to meet urgent work demands elsewhere in the Department and to EU Presidency posts.
- During the year agreement was reached with the AHCPS and PSEU in relation to increasing the percentage of merit based promotions. This brought the percentage of merit based promotions at all grades to 75%.
- In response to a Government decision on Irish born children, a dedicated unit, staffed by civil servants (up to 150) from other Departments was established.
- Union agreement was secured to appoint a number of temporary staff on contract for duties in preparation for the Presidency of the EU in the last half of 2003.

### Equality of Opportunities

#### Strategy Statement 2003-2005 Objective

- *Develop a policy on Equality of Opportunities having regard to the Employment Equality Act, 1998 and as provided for in the Programme for Prosperity and Fairness.*

#### Progress on objective in 2003

- Equality measures were discussed and monitored at Divisional management meetings leading to an increased awareness and appreciation of the issues involved.
- Each new staff member received a day of customer care training – a module of which related to creating an awareness of the diverse cultures of our clients and encouraged staff to respect all our clients and not to stereotype any by their nationality.
- The 3% target for the employment of people with disabilities continued to be closely monitored within the Department. The Department sought to employ people with disabilities from the Civil Service Commission Panels when available.
- At the end of 2003 the number of people with a disability in this Department stood at approximately 3%. This was up from 2.07% in the previous year.
- The Department has a Disability Liaison Officer (DLO) whose role is to act as a point of contact both within and between Departments for information and advice in relation to disability. During the year the Department notified all staff of the role of the DLO advising how it might be of assistance and providing contact numbers.
- The Department also invited submissions from staff as to how the role of the DLO could be developed, who should perform the role, how it could link in more with staff with disabilities and their supervisors, what areas of responsibility it should cover and generally, how we might take it forward.

- A programme on disability awareness training for Training Officers was initiated by the Training and Development Unit.
- During the year, increased female representation was achieved at Assistant Principal level and the Department exceeded the target of 33%.

## Training and Development

### Strategy Statement 2003-2005 Objective

- Provide a targeted training and development programme for all staff which is linked to our strategy statement and business planning process.

### Progress on objective in 2003

- The expansion and development of the training function within the Department, which began in July 2002, continued at pace during 2003.
- The Staff Training and Development Unit continued to provide both general and specialist training during 2003 arising from the on-going implementation of the Performance Management and Development System (PMDS). The Unit also provided administrative support for officials of the Department to attend conferences and seminars of interest to the work of the Department.
- Trainers from the training unit provided a substantial number of in-house courses including catch-up PMDS training for staff of the Department and induction training for new entrants. Training was also provided in relation to presentation skills and the first phase of a new Health and Safety programme commenced with First Aid and Fire Warden training.
- The Justice, Equality and Law Reform sector trainers' network met on several occasions. The second phase of the 'Train the Trainers' course for newly assigned trainers across the JELR sector (and attendees from various other Departments) was completed in the first quarter of 2003, facilitated by the Department's psychologist.
- A large volume of staff from the Department participated in EU related training provided by CMOD, in cooperation with the Staff Training and Development Unit. These consisted of courses providing an overview of the EU and more skills based chairperson and delegate training, where a justice-focussed programme was organised for our staff in the context of the EU Presidency in 2004.
- The Staff Training and Development Unit arranged and provided administration support for the Annual Assistant Principal Conference which was held in September 2003.
- A large proportion of the second half of 2003 was given over to the setting up and administration of a significant Training & Development tendering process for the provision of 14 different types of training to be provided by external training companies. The process involved the use of the Government's e-tenders website and a large number of proposals were received. Four companies were successful and offered tenders at the end of the year.
- Staff from the Training Unit attended and sat on sub-groups both at Departmental and Inter-Departmental level concerning issues ranging from HRM Strategy to PMDS / Upward Feedback.



## Partnership

### Strategy Statement 2003-2005 Objectives

- *Further embed the Partnership process through its various committees and working groups.*

### Progress on objective in 2003

- Regular meetings of the Partnership committees were held during the year helping to develop and strengthen partnership structures within the Department. Personnel Division continued to play a central role in monitoring the work of the committees in addition to supporting and co-ordinating that work, including an annual meeting of the Partnership Steering Committee, which is chaired by the Secretary General.
- The various Partnership sub-committees met regularly to deal with specific issues relating to their own areas.
- The Department's Strategy Statement 2003 - 2005

and 2003 Business Plans were discussed through Partnership.

- Action Plans under the "Sustaining Progress" Social Partnership Agreement were discussed and approved by Partnership sub-committees.
- Issues regarding the relocation of staff during the refurbishment of 72-76 St. Stephen's Green were discussed at Partnership.
- Formal Partnership arrangements were established in the Asylum area.
- A leaflet explaining Partnership and inviting new members to join the Head Office subcommittee was issued to relevant staff.

## Family Friendly Initiatives

### Strategy Statement 2003-2005 Objective

- *Continue to support the full range of family friendly initiatives as far as possible in order to help staff to reconcile work and family life.*

### Progress on objective in 2003

- The Department continued to be fully committed to implementing family friendly policies where possible thus enabling staff to combine and balance work with their personal commitments and choices.
- Schemes such as term time, parental leave, career breaks and a variety of special leave arrangements were actively encouraged and facilitated where possible.
- An information session was held for staff on Family Friendly Day advising of the range of family friendly initiatives available. All staff were invited to attend.

### Other developments

Temporary replacements for 99 officers who availed of term time in 2003 were recruited.

An analysis of the pilot teleworking project was undertaken and work commenced on the development of a teleworking project.

## Financial Management

### Strategy Statement 2003-2005 Objectives

- *Implement an effective financial management framework for the Department and its associated offices to support the devolution of authority and accountability and to achieve better value for money.*
- *Establish the structures and processes to facilitate the development of an effective financial management framework for the Department of Justice, Equality and Law Reform.*
- *Develop the Department's Finance Division as a Shared Services Centre to implement and maintain efficient and effective financial management and transaction processing systems to meet the requirements of the Department, and its associated offices, An Garda Síochána, the Prison Service, the Courts Service and the Land Registry and Registry of Deeds and to facilitate the requirements of the Government's Management Information Framework.*
- *Continue to review and appraise the integrity of all systems which are intended to control the Department's operations.*

### Progress on objectives in 2003

- A Head of Internal Audit, separate from and independent of the professional accounting function, was appointed in June 2003.
- There was ongoing work to ensure the implementation of the recommendations of the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers.
- The Department's Internal Audit Unit conducted a review of financial controls and an Audit Committee with external representation was established to strengthen further financial controls and to provide assurance to the Department's Accounting Officer.
- The Department established a Financial Management Unit in its Headquarters to enhance the financial management framework of the organisation.
- The Department's Financial Management Committee successfully reconciled operational priorities with budgetary constraints and established a financial risk management process.
- The Department's Shared Services Centre satisfactorily fulfilled its objectives in relation to its core activities by processing all payroll, accounts payable and staff expenses in an efficient and effective manner on behalf of the Department and its associated Agencies.
- The introduction of a new financial system for the Department and its Agencies was progressed by the Shared Services Centre in accordance with the planned schedule which is due to be completed in December 2004.

### Other developments

#### Payroll

The Shared Services Centre operates weekly, fortnightly and monthly payrolls for all staff in the Justice and Equality Sector as follows :

	<u>JELR</u>	<u>GARDA</u>	<u>PRISONS</u>	<u>COURTS</u>	<u>REGISTRIES</u>	<u>TOTAL</u>
Weekly	602	13,774	122	519	382	15,399
Fortnightly	869	80	3638	625	314	5,526
Monthly	6	7,155*	-	-	-	7,161
	<b>1,477</b>	<b>21,009</b>	<b>3,760</b>	<b>1,144</b>	<b>696</b>	<b>28,086</b>

\* included 6,690 Garda pension payments

In relation to Reports, under the provisions of the Pensions Act 1990 and the Occupational Pensions Schemes (Disclosure of information) (No. 2) Regulations 1998 the Shared Services Centre produced and made available the twelfth annual Report of the Garda Síochána Superannuation Schemes 2002.

### Non-Pay Expenditure

The Shared Services Centre processes on a monthly basis

approximately 8,500 invoices, fee and expense claims and 150 local expenditure accounts for the running of the Department and its associated Agencies, including the Garda Síochána, the Prison Service, the Courts Service, the Land Registries and the Criminal Legal Aid Scheme.

The Shared Services Centre also brings to account various monies received in the Department, i.e. non-public duty payments, citizenship fees, film censorship and data protection fees and other miscellaneous receipts.

### Summary of 2003 Expenditure Allocations (per Revised Estimates Volume)

2003 Allocation			
	Non Capital Supply Services (000)	Capital (000)	Total Provision (Non Capital and Capital)
Department	300,401	25,115	325,516*
Garda Síochána	944,454	19,331	963,785*
Prison Service	290,741	46,527	337,268*
Courts Service	46,795	25,787	72,582*
Land Registry and Registry of Deeds	29,778	2,372	32,150
<b>Group Total</b>	<b>1,612,169</b>	<b>119,132</b>	<b>1,731,301</b>

\* includes supplementary estimate

## IT and e-Government

### Strategy Statement 2003-2005 Objectives

- *Support e-Government initiatives (as set out in New Connections, eEurope 2002 and eEurope 2005) by leveraging recently deployed technology within the sector and by relevant legislative activity and also support initiatives such as Customer Service, PMDS, Freedom of Information, Financial and HR strategies and the improved operational efficiency of the Department and its agencies.*
- *Contribute to strengthen policy making and research capacity in the Department and agencies.*

### Progress on objectives in 2003

- The new HRMS system was implemented as a shared service for the Department and a number of its agencies (Courts Service, IPS, Legal Aid Board and Land Registry) and interim support arrangements put in place.
- IT Division contributed to central government initiatives on the Management Information Framework (MIF), interagency interoperability and identity management. In addition, the Division facilitated the investigation by the Department and its agencies of candidate common identifiers, and communicated the Department's position to the Department of the Taoiseach.
- Work commenced on redevelopment of the Department's website, to incorporate accessibility guidelines.
- IT Division led the Department's participation in the pilot phase of the Department of the Taoiseach's eCabinet project in 2003. The Department of the Taoiseach is planning a further pilot and deployment of the application later in 2004, in which the Department will again be involved.
- Work on consolidating information systems in the asylum and immigration area commenced in the last quarter of 2003 as an interim measure, pending implementation of the Asylum IT Strategy. This work is due to be completed early in 2004.
- IT Division continued to provide support and expert advice to the various Justice sector agencies, and to maintain the Justice Sector Data Network
- The Division contributed to the Expert Group on Crime Statistics, which is due to report in early 2004.
- As part of a programme to refurbish the Department's Head Office, staff were relocated to 5 separate locations across Dublin City. During this period IT Division successfully rolled out a new and upgraded desktop environment to most of the core Department. The Justice Sector Data Network infrastructure was also successfully relocated from the Department's Head Office building.
- Development was completed on the Department's Portal, which facilitates remote access by Department staff and others who need to work with the Department to the in house email and document management environment. The application was successfully piloted in the last quarter of 2003.

## Quality Customer Service

### Strategy Statement 2003-2005 Objective

- *Provide to the best of our ability a professional and efficient service to our client groups and individual customers in consultation with them and through a process of continuous service improvement.*

## Progress on objective in 2003

### Customer Service

- A postal survey was conducted amongst the Department's customers during May 2003. When conducting the survey about 2,500 comment cards issued to customers of the Department, one with each item of correspondence issuing from the Department during May 2003. While the number of comment cards completed and returned was low (less than 1%), the replies received indicated that the Department continues to provide an excellent service to its customers. This outcome is in line with the outcomes to independent surveys of the broader civil service which show a satisfaction rating from the public of over 80%.

During 2003, the Customer Liaison Panel, membership of which is drawn from representative segments of the Department's "customer base" met on one occasion and discussed the service given to customers by the Department. The Panel could only meet once during the year owing to the relocation of the Department to several locations.

The Staff Customer Liaison Panel, which is drawn from representative segments of Departmental staff were unable to meet due to the same reason.

## Other developments

### Forensic Science Laboratory

The Forensic Science Laboratory provides an important professional service to the State in the fight against serious crime. To improve further the efficiency of this service, in line with other initiatives in the fight against crime, the recommendations arising out of a review of the operation of the Laboratory are being implemented over a period of time.

### State Pathology Service

During the year under review Corporate Services Division worked closely with the State Pathologist and Assistant State Pathologist to meet the ever-increasing demands being placed on the Service. A competition for the recruitment of a new State Pathologist was organised.

### Film Censor's Office

A competition for the appointment of a new Film Censor was organised and a new Film Censor was appointed in October 2003.

### Energy Saving Measures

The Energy Conservation Unit of the Office of Public Works is working on a programme which will incorporate all of the larger buildings that the Department of Justice, Equality and Law Reform occupies. In a joint venture with Sustainability Energy Ireland (formerly the Irish Energy Centre) the OPW is focusing on energy monitoring and targeting in on all large state buildings. This will involve the establishment of an energy-monitoring bureau specifically dedicated to collecting and reporting on energy consumption in the state buildings. The bureau will be charged with developing Energy Performance Indicators for each building, identifying energy waste and preparing weekly, monthly and annual energy reports. The collected data will be circulated to the relevant accommodation officers and a new emphasis will be placed on energy conservation.

Persons responsible for energy conservation within this Department and individuals in other Government Departments will be given access via the internet to a dedicated web site which will show energy consumption data from their particular buildings. They will be able to access daily, weekly, monthly and annual reports for

electrical and heating fuel consumption. The buildings will be rated according to energy performance and areas for improvement highlighted. The system is currently being installed and will be rolled out at some stage in the future.

The Department of Justice, Equality and Law Reform uses various different paper products. The Department's policy is to use products which are 100% recycled, partly recycled or made by way of the forest control method using 100% pulp with chlorine free bleach.

### Bookmaker's Licences

The Department is responsible for processing applications

by Bookmakers who reside outside of the State for a Certificate of Personal Fitness from the Minister for Justice, Equality and Law Reform. During 2003 a total of 64 applications were processed.

### Accommodation

During 2003 Corporate Services Division worked to meet the increasing accommodation needs of the Department and its associated Offices and Agencies. The Division played a major role in the re-location of staff from Head Quarters to various other accommodation sites around the city in order to facilitate the refurbishment of the Head Quarters building on St. Stephen's Green.

## Regulatory Reform

### Strategy Statement 2003-2005 Objectives

- *Contribute to meeting Government objectives in relation to developing policy on regulatory reform.*

### Progress on objective in 2003

- In relation to Progress on Statute Law Reform the Department accounts for up to one third of the Government's total legislative output and manages comprehensive criminal law reform and civil law reform programmes. The Department is engaged in an ongoing process of review, modernisation and

evaluation of effectiveness of law reform activity. In 2003 the Department allocated a significant level of research funding in 2003 to projects to overhaul Land Law and Conveyancing Laws, the Intoxicating Liquor Licensing Laws and as a result of Government commitments, the entire body of Criminal Law.

## Communications

### Strategy Statement 2003-2005 Objective

- *Develop a culture of excellent communications internally, and externally, particularly in our dealings with the media.*

### Progress on objective in 2003

- Electronic Press Cutting Database developed. Press cuttings distributed electronically daily and archive available to all of Department online.
- On-line consultation websites established for consultation on Data Retention and consultation on Defamation. First phases of consultation process successfully completed in relation to both legislative proposals.
- “Justice Family” press officers network established and relevant information is shared on an ongoing basis.
- Review ongoing in relation to existing communications practices with a view to developing and implementing a communications strategy that is attuned to the needs of the organisation.

## Freedom of Information

### Strategy Statement 2003-2005 Objective

- *Implement fully and effectively our obligations under the Freedom of Information Act.*

### Progress on objective in 2003

- We have endeavoured to maintain a high quality of decision making in responding to Freedom of Information requests.
- We have maintained and developed this high standard of decision making through the provision of ongoing training for appointed deciding officers and appeals officers of the Department.
- The Department’s continued participation in the Civil Service Users Network group (CSUN), a group of FOI Officers in Civil Service Departments, is an invaluable tool in the exchange of information when dealing with similar FOI requests across Departments. The Department’s membership of this group, has assisted

in the processing of common requests in a unified and efficient manner.

### Other developments

In 2003 the Department received a total of 636 requests under the *Freedom Information Acts, 1997 and 2003* representing a decrease of 3.5% on the total requests received in 2002. 57% of requests received this year were for personal information with approximately 18% of requests coming from journalist, which is similar to the number of requests received in 2002. The Freedom of Information Unit are committed to the full implementation of the Acts and in the provision of full training and assistance to decision makers in the execution of their duties under the Acts.



## Policy Planning and Research

### Strategy Statement 2003-2005 Objective

- *Further enhance our policy analysis capability through the procurement of objective, quality research.*

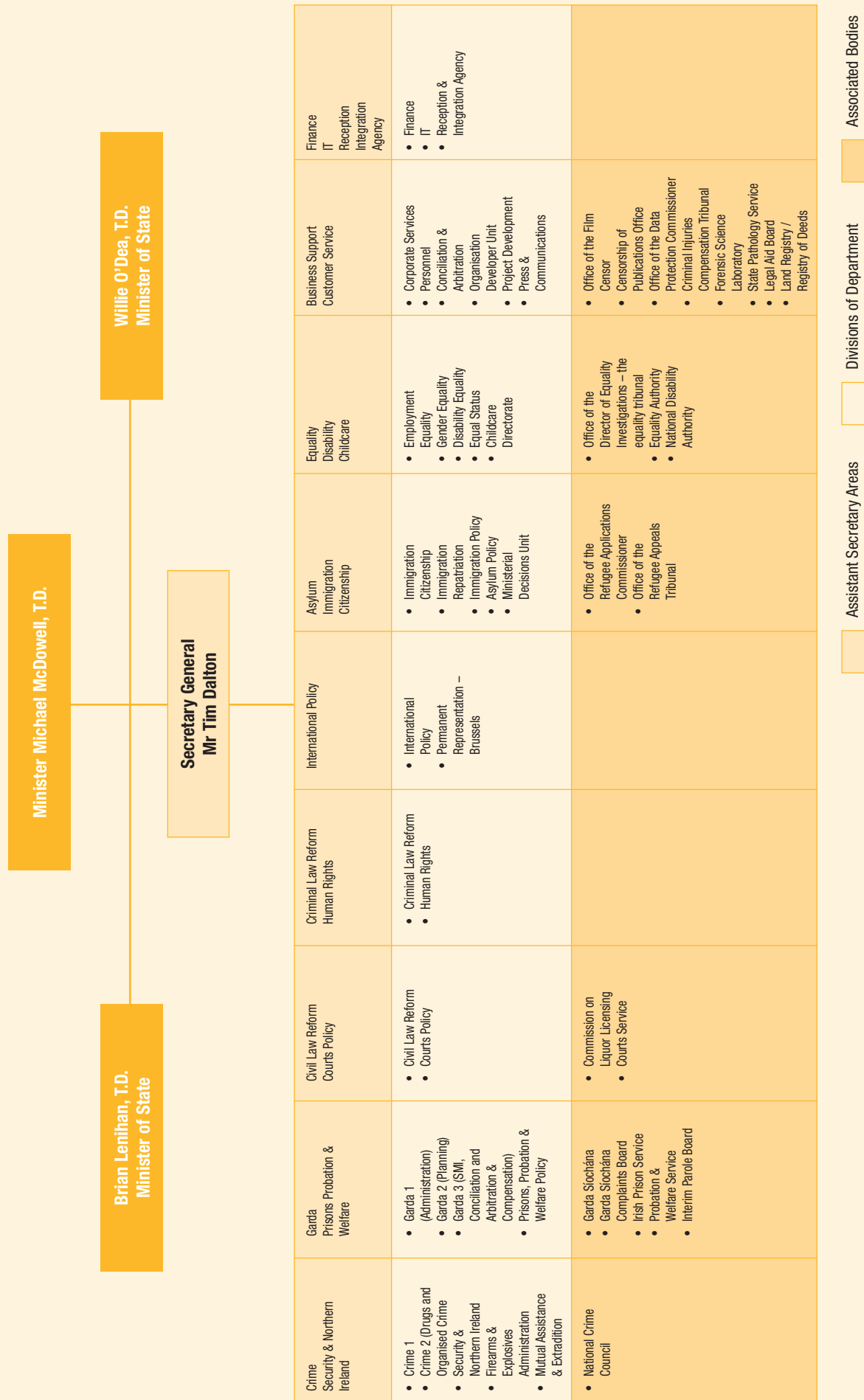
### Progress on objective in 2003

The Department's Policy Planning Research Unit (PPRU) continued to provide funding for research relevant to the Department's Policy Area. In 2003, a sum of €494,000 was provided for a range of research including research in the area of Probation and Welfare which evaluated the long-term impact of the Bridge programme. (The Bridge programme is an intensive probation supervision initiative in which young adult offenders from the Dublin area are engaged in a demanding community based programme). In addition, funding was provided towards the evaluation of the effectiveness of an advertising campaign to publicise the European Year of People with Disabilities. Funding was also provided for the publication of research over 12 months in relation to marginalisation of women who are considered more vulnerable to poverty than men.

# part three

Appendices

## Appendix 1



## Appendix 2

### Overview of the Divisions of the Department

#### Crime, Security and Northern Ireland

**Crime 1** is responsible for general crime policy matters and also for issues relating to the enforcement of the criminal law. The Division also deals with policy issues relating to the Garda enforcement of road traffic law and other related strategic issues. The Division is also responsible, in conjunction with the Garda Síochána, for the development of crime prevention measures and social inclusion structures.

**Crime 2** is responsible for the development and improvement of the Department's policy response to the problems of Drugs and Organised Crime.

**Security and Northern Ireland Division** deals with general security matters and matters relating to Northern Ireland relevant to the Department's general area of responsibilities, for example arms decommissioning.

Firearms and Explosives Unit deals primarily with the implementation of the Firearms Acts 1925 to 2000 and the Explosives Act, 1875 including the formulation and implementation of policy with respect to firearms and explosives. In accordance with the Firearms Acts 1925 to 2000 the Unit has responsibility for the registration of firearms dealers, the granting of firearms importation licences to registered firearms dealers and residents, the granting of export licences for the transfer of firearms to other EU Member States. The Unit also has primary responsibility for matters relating to the manufacture, transportation, storage and importation of explosives, including fireworks under the Explosives Act 1875. In addition to the primary responsibilities, the Unit also liaises with other Government Departments on a wide range of matters from aircraft carrying munitions of war/ dangerous cargo to research cruises and visits by foreign naval vessels.

**The Mutual Assistance and Extradition Division** discharges the Department's designated role under

International Conventions and Agreements in the criminal field in regard to the processing of incoming and outgoing requests for mutual legal assistance/judicial co-operation. The Division also participates in initiatives at international level to extend the scope of such requests and to facilitate the operation of the relevant Conventions or Agreements.

This arises because the Department of Justice, Equality and Law Reform is the Irish Central Authority for Mutual Assistance in Criminal Matters under those conventions and agreements.

The principal role of the Central Authority is to assist the Minister in the discharge of functions under the international co-operation provisions of the Criminal Justice Act 1994 (Part VII) and to manage and co-ordinate the execution of requests for mutual assistance in co-operation with the various other agencies and offices with responsibilities in this area (e.g. the Attorney General's Office, the Chief State Solicitor's Office, the Office of the Director of Public Prosecutions, the Garda Síochána, the Revenue Commissioners and the Courts). Attendance in Court on the hearing of mutual assistance applications and related matters continued to be an important aspect of the work of the Central Authority.

#### Extradition

In relation to requests for extradition, the Department carries out the administrative tasks associated with the specific functions of the Minister, which are provided for in the Extradition Acts 1965 to 2001.

#### Requests for extradition fall into two categories:-

- requests received which fall to be considered under Part II of the Extradition Act 1965, and
- requests received which fall to be considered under Part III of the Extradition Act 1965, which provides for special extradition arrangements with the United Kingdom. This category accounts for the bulk of extradition requests.

## Garda

**Garda 1 (Administration)** is responsible for administration of policy in areas such as Garda recruitment, training and discipline. It also deals with estimates, transport, equipment and international police missions.

**Garda 2 (Planning)** is responsible for policy and implementation in relation to Garda computerisation and telecommunications, as well as the Garda Building and Stations Maintenance Programmes. It provides support for the administration of the Garda Síochána Complaints Board, which is independent in the discharge of its functions.

### Garda 3

**Garda C&A** is responsible for administration of the Garda Conciliation and Arbitration Scheme involving the processing of claims in relation to pay and conditions of members of the Garda Síochána up to and including Chief Superintendents.

**Compensation Claims and Civil Actions:** The Garda Síochána Compensation Acts provide a compensation scheme for members of the Garda Síochána who die or are injured as a result of a malicious act in the course of or in relation to the performance by them of their duties as members of the Garda Síochána. Civil actions arise from non-malicious injuries to Gardaí, injuries to civilians on Garda premises, legal actions taken by Gardaí and legal actions arising from acts or omissions by the Garda Síochána.

**Garda SMI** is responsible for the development and implementation of the programme of change arising from the recommendations of the Report on Efficiency and Effectiveness as part of the Strategic Management Initiative in the Garda Síochána.

Garda 3 has certain functions in relation to promotion to the senior Garda ranks as well as in relation to the employment of certain civilian grades within the Garda Síochána. Garda 3 also represents the Department at the EU Police Co-operation Working Group.

## Courts Policy

The Courts Service was established in 1999 in accordance with the provisions of the Courts Service Act 1998. The statutory framework of the Courts Service establishes clear lines of accountability, responsibility and transparency. Under the Act, responsibility for the management of the courts system is conferred on the Courts Service.

The role of **Courts Policy Division** is to discharge ministerial functions in relation to the Courts, including all constitutional and legislative matters related to judicial appointments/salaries, the making of Rules of Court and the preparation of material in relation to the Minister's accountability to the Dáil on court issues. The Division is also responsible for policy underlying Courts related legislation.

Courts Policy Division also examines and considers proposals from the Courts Service regarding financial and staffing matters and major court development programmes in the IT and building areas and advises the Minister in relation to the provision and utilisation of resources. The Division also ensures that the Courts Service is appropriately resourced and that necessary reporting systems are in place to enable the Minister to discharge his responsibility in regard to the Service.

In addition, Courts Policy Division is responsible for all aspects of policy, secondary legislation, financing and management of the Criminal Legal Aid Scheme. The Division deals with all 'IR' type issues with the representative bodies of both branches of the legal profession in respect of the Scheme. The Division is also responsible for the management of the Ad-Hoc Legal Aid Scheme (CAB) and the Garda Station Legal Advice Scheme.

## Prisons, Probation and Welfare

**Prisons & Probation and Welfare Policy Division** is responsible for providing strategic direction and guidance to the Irish Prison Service and the Probation and Welfare Service and for monitoring the performance of those Services in line with agreed policy objectives. The

development of effective organisational structures in these areas underpinned by legislation is an important function of the Division.

The Division also discharges ministerial functions in relation to the prisons and the Central Mental Hospital, including appointments to prison visiting committees, acting as liaison with the Interim Parole Board and the Inspector of Prisons and Places of Detention and processing applications under the transfer of sentenced persons legislation.

The **Petitions Unit** and the **Peace Commissioners Unit** also come under the auspices of Prisons and Probation and Welfare Policy Division. The former processes petitions to the Minister for reductions of penalties and/or sentences imposed by the Courts while the latter processes nominations for appointment to the Office of Peace Commissioner.

## Law Reform

**Criminal Law Reform Division** is responsible for the preparation of laws relating to the reform of the criminal law and is involved in keeping areas of criminal law under review so as to identify the potential for reform. In addition, staff of the Division participate in international meetings including those at EU, Council of Europe and the United Nations level in relation to criminal law matters, the drawing up of agreements, treaties, etc. on matters of mutual interest relevant to the enforcement of the criminal law and the preparation of legislation to give effect in the State to those instruments.

The **Civil Law Reform Division** has the function of preparing laws relating to civil law not within the functional remit of any specific Department as well as servicing the legislative needs of other Divisions within the Department. The Division keeps areas of the civil law under review so as to identify the potential for reform. In addition, staff of the Division participate in international meetings including those at EU, Council of Europe and the United Nations level in relation to civil law matters, the drawing up of agreements, treaties etc. on matters of mutual interest relevant to the enforcement of

civil law and the preparation of legislation to give effect in the State to those instruments.

The Civil Law Reform Division has responsibility for the Central Authorities on international child abduction and international maintenance recovery.

## Human Rights

**The Human Rights Division** is responsible for the implementation of the Human Rights Commitments in the Good Friday Agreement and the ongoing review and revision of the human rights aspects of criminal law and practice principally insofar as the Department's sphere of responsibilities is concerned.

## International Policy

International Policy Division has responsibility for the co-ordination of international policy and services various European Union and other international fora dealing with the Department's remit.

## Immigration and Citizenship

**Immigration and Citizenship Policy Division** is responsible for the development of immigration and citizenship policy and of proposals for legislative change in this area. It also participates in international fora on immigration policy issues, in particular in relation to the development of immigration policy at European Union level.

**Immigration and Citizenship (Operations) Division** is responsible for the implementation of policy in relation to the admission of non-nationals to the State, their residence in the State and the granting where appropriate of Irish citizenship. Its functions include:

- the processing of applications for certificates of naturalisation and other matters concerned with the acquisition of citizenship,
- the issue of visas to persons wishing to travel to the State, other than nationals of States exempted from the visa requirement, through the consular services of the Department of Foreign Affairs,

- the issue of business permission to non-EEA nationals seeking to establish a business in the State,
- determining applications for permission to remain in the State referred from An Garda Síochána,
- deciding on applications for residence permits from EEA nationals and their dependants,
- the effective operation of the Garda Registration System for non-EEA nationals,
- dealing with reported non-compliance with the law regarding the admission and residence of non-nationals, in co-operation with the Garda National Immigration Bureau.

## Repatriation

**Repatriation Unit** is responsible for considering the cases of failed asylum seekers and illegal immigrants under section 3(6) of the Immigration Act 1999 for leave to remain in the State or repatriation to their countries of origin. It is also responsible for actively encouraging voluntary repatriation to the country of origin. The Unit is responsible for giving effect to the transfer of persons under the Dublin Convention to the appropriate EU State for their asylum applications to be determined there and for giving effect to the implementation of bilateral readmission agreements with Poland, Romania, Nigeria and Bulgaria. The Unit also liaises with the Garda National Immigration Bureau in the effecting of deportation orders made by the Minister under section 3 of the Immigration Act, 1999. The Unit also liaises with other interested third parties e.g. the Department of Social, Community and Family Affairs, Customs Service, Work Permits Section, Department of Enterprise, Trade and Employment. The Unit also responds to judicial review and other court proceedings on behalf of the Minister.

## Asylum Policy

**Asylum Policy Division** is responsible, inter alia, for the development and implementation of policy (both domestic and Ireland's input at EU/International levels) in relation to asylum seekers.

However, applications for asylum are dealt with by two independent statutory offices:

- The *Office of the Refugee Applications Commissioner* (RAC) which considers applications for asylum at first instance and makes recommendations to the Minister for Justice, Equality and Law Reform as to whether a person should be granted or refused refugee status;
- The *Refugee Appeals Tribunal* (RAT) which deals with appeals in respect of applications for asylum.

## Ministerial Decisions Unit

The Ministerial Decisions Unit is responsible for making a decision on behalf of the Minister on each asylum application based on the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal.

The MDU is also responsible for dealing with judicial reviews of Ministerial decisions relating to asylum applications.

The section also deals with revocations of refugee status.

## Reception and Integration Agency

**The Reception and Integration Agency (RIA)** was established on 2 April, 2001. The RIA replaced and combined the functions performed previously by the Directorate for Asylum Support Services (DASS was established by the Government in November, 1999 under the aegis of the Department of Justice, Equality and Law Reform to co-ordinate the scheme of dispersal and direct provision for asylum seekers) and the former Refugee Agency which operated on an administrative basis under the Department of Foreign Affairs.

The RIA has the following remit:-

- planning and co-ordinating the provision of services, including health, education and welfare services, to both asylum seekers and refugees including implementation of Government policy on the reception of asylum applicants through the system



of direct provision and dispersal to accommodation centres throughout the State;

- monitoring and maintenance of accommodation registers;
- co-ordinating the implementation of an integration policy for all refugees and persons who, though not refugees, are granted leave to remain; and
- responding to crisis situations that result in relatively large numbers of refugees arriving in Ireland within a short period of time. (e.g. the large number of refugees from Kosovo who came in 1999).

All applicants for asylum are referred to the Reception and Integration Agency following the making of their application for asylum at the Office of the Refugee Applications Commissioner. In the year 2003 alone, approximately 6,200 asylum seekers were provided with accommodation by RIA. At 31 December 2003 the RIA had the capacity to accommodate over 7,100 asylum seekers in 3 reception centres, 63 accommodation centres and 6 self catering centres across 24 counties in a range of accommodation facilities.

### Equality, Disability and Childcare

Following a redistribution of work in January 2003, the Employment Equality Division was reorganised into two separate divisions, namely Employment Equality Division and Gender Equality Division.

**Employment Equality Division** is responsible for developing the policy and legal framework to advance equal opportunities in the areas of employment and family friendly policies. The Division works to advance employment equality primarily through legislative, administrative and monitoring mechanisms. It acts in a liaison capacity between the Department and the Office of the Director of Equality Investigations and the Department and the Equality Authority. The Equality Authority and the Office of the Director of Equality Investigations were established under the Employment Equality Act 1998.

**Gender Equality Section** is responsible for implementing

a number of Government commitments on gender equality; supporting policy development on policy issues and monitoring national and international commitments on gender equality issues. The section has a lead role in supporting the implementation of gender mainstreaming in the National Development Plan 2000-2006 and in implementing a programme of positive actions for women.

**Equal Status Division** is responsible for promoting the development of a more equal society by promoting, monitoring and implementing the right to equal treatment and the accommodation of diversity, having regard to gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. In particular, to combat racism and to promote an inclusive society by managing the Anti-Racism Awareness Programme and by developing a National Action Plan against Racism and by monitoring the implementation of Government policy for the Traveller community.

**Disability Equality Section** provides a focal point for disability equality policy and legislation development. It was established in 1997 arising from a recommendation by the Commission on the Status of People with Disabilities (Report 1996). The section monitors the implementation of disability mainstreaming policy in relation to public services. It also administers the funding for the National Disability Authority (NDA) which was established in June 2000 to develop and monitor the implementation of standards in services for people with disabilities. In addition, the Section contributes to and monitors progress in the development of international equality policy at European Union, Council of Europe and United Nations levels.

**The Childcare Directorate** has responsibility for developing childcare provision and the implementation of the Equal Opportunities Childcare Programme through Exchequer funding and funding provided from the National Development Plan 2000 to 2006. The Directorate works to increase the quantity and quality of childcare services, both in the community and private sectors, as well as

developing a co-ordinated approach to childcare provision at local and national level over the course of the National Development Plan. The Plan enables the Department to provide for the further development and expansion of childcare facilities to address the needs of men and women in reconciling their childcare needs with their participation in employment, training and education.

### Personnel

Personnel Division has overall responsibility for approximately 4000 staff across the Justice and Equality Sector. During the year Personnel Division continued to provide a professional and efficient human resource/personnel customer service to staff and management. Recruitment and filling of vacancies continued to be a priority requiring major resource input which placed additional demands on staff within the Division. Several successful internal promotion competitions at all levels were also held during the year.

As regards recruitment, we continued to work closely with the Office of the Civil Service and Local Appointments Commission through participation on Interview Boards and meeting with candidates prior to assignment. As part of our commitment to implementing and facilitating family friendly policies where possible, work sharing was introduced in 2002 enabling staff to balance work with their personal commitments and choices. A comprehensive range of family friendly schemes is now available to staff.

### Finance

Finance Division in Killarney is responsible for issuing payments for the supply of goods and services to the Department and its associated agencies; the payment of salaries, overtime, allowances, staff expenses for the Department and its associated agencies and for the payment of Garda pensions. The Division also maintains all the necessary associated financial records and co-ordinates the Department's and agencies annual estimates of expenditure and provides regular financial reports to managers across all of the Department's business areas (votes) and to the Department of Finance.

The Division prepared the Appropriation Accounts for the Department of Justice, Equality and Law Reform, the Garda Síochána, the Prisons Service and the Land Registry and Registry of Deeds.

### Internal Audit

The purpose of the Internal Audit Unit is to ensure that systems of internal control exist to enable the Department achieve its objectives at maximum economy and efficiency. This Unit covers the audit function in relation to the Garda Síochána, the Prisons Service, the Land Registry and various offices such as the Legal Aid Board, The Garda Síochána Complaints Board, and the Forensic Science Laboratory, etc.

### Corporate Services

**Corporate Services Division** provides the support services to ensure that the Department and its associated offices operate as efficiently and effectively as possible. In so doing, it is responsible for procurement of non-IT equipment and stationery, provision and maintenance of accommodation, telecommunications etc. for the headquarters of the Department and some of the associated offices which do not have a local purchasing office of their own. It is also responsible for the provision of file registry, information resources and messenger services for the Department. Corporate Services Division administers the Minister's and Department's functions and acts as a liaison in relation to the various offices associated with the Department, such as the Land Registry and Registry of Deeds, the Office of the Film Censor, the Office of the Censorship of Publications Board, the Data Protection Commissioner's Office, the Legal Aid Board, the Forensic Science Laboratory and the State Pathology Service. It also coordinates the Department's responses to Government memoranda, replies to Parliamentary Questions and to representations and/or correspondence where two or more line Divisions of the Department are involved.

In addition, Corporate Services Division is responsible for administering the functions of the Minister and the Department as contained in a wide range of legislation

such as the Gaming and Lotteries Act 1956, Betting Act 1931, the Coroner's Act 1962, the Auctioneers and House Agents Acts 1947 - 1973 and the Intoxicating Liquor Acts. The Division also deals with the issue of Violence against Women and provides the Secretariat to the National Steering Committee on Violence against Women.

## IT

**IT Division** is responsible for providing and supporting Information Technology solutions to other Divisions/Sections of the Department. This Division has a role in relation to Information Technology in the other Agencies and Offices associated with the Department, with the exception of the Garda Síochána and the Land Registry and Registry of Deeds. The Courts service has a separate IT function which caters for its needs and the process of establishing an independent IT unit to cater for the needs of the Prisons Authority has now concluded.

## Organisation Development

Organisation Development Unit (ODU) plays a key role in strengthening and developing the Department's strategic, business and individual performance planning frameworks to support improved organisation performance. This involves the preparation of the Department's Strategy Statement and regular reviews of progress on its implementation; co-ordinating the completion of annual Divisional Business Plans and monitoring the implementation of the Performance Management and Development system.

ODU plays a key role in the development and implementation, in the Department and wider Justice and Equality sector, of the modernisation programme under Sustaining Progress. The aim of this programme is to improve resource management, organisational responsiveness and service delivery. This work builds on progress already achieved to date on strategic management initiatives and the programmes of organisation change in the Department since 1997. ODU reports progress on the Department's commitments under the Agreed Programme for

Government to the Taoiseach's Office each year.

ODU also provides administrative support to the Department's Policy Planning Research Unit (PPRU). The PPRU's function is to enhance the Department's policy analysis capability through the procurement of objective, quality research.

## Project Development

**Project Development Division** is responsible for the updating and development of policy in relation to a range of issues, through the establishment of discrete projects in particular policy areas. Current projects include policy reviews in the area of censorship, gaming and lotteries, the Coroners Service and the illegal and harmful use of the Internet.

## Press Office

**The Press Office** is responsible for providing a service to the broadcast and print media on behalf of the Minister, Minister of State and the Department generally. The Press Office provides a 24-hour service, answering media queries on a daily basis. The office is responsible for issuing press releases and speeches, and arranges interviews for the Minister and Minister of State.

The Press Office answers thousands of press queries each year and issues hundreds of press releases and speeches. All press releases and speeches are available on the Department's web site.